

ORDINANCE NO. 14,447 _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by repealing Articles I, II, III, V, VII, and VII of Chapter 26, Buildings & Building Regulations thereof and adding and enacting new Article I--In General, Article II--Building Code, Article III--Electrical Code, and Article IV--Mechanical Code to Chapter 26, Buildings and Building Regulations.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by repealing Articles I, II, III, V, VII, and VII of Chapter 26, Buildings & Building Regulations thereof and adding and enacting new Article I--In General, Article II--Building Code, Article III--Electrical Code, and Article IV--Mechanical Code to Chapter 26, Buildings and Building Regulations, as follows:

ARTICLE I. IN GENERAL

Sec. 26-1. Title.

This chapter shall consist of the building code, electrical code, mechanical code, plumbing code, and steam power equipment code, all of which shall be referred to collectively as the "building codes" or "this chapter." A person who performs or is in the business of performing the work or activities regulated by this chapter may be referred to as a "contractor."

26-2. Purpose.

The purpose of this chapter is to provide for the protection of the public health and safety by: creation of a permit and development division and a board of appeals; adoption of building codes; enforcement of penalties for the violation of the building codes; requiring the qualification and registration of contractors;

and repealing conflicting ordinances.

26-3. Interpretation.

Article I consists of general provisions applicable to all articles. Articles II through IV contain specific provisions pertaining to particular trades. In the event of a conflict with article I, the specific provisions of articles II through IV shall control.

DIVISION 1. PERMIT AND DEVELOPMENT DIVISION

Sec. 26-100. Permit and development division established; officials appointed.

There is established in the city within the community development department the permit and development division which shall be under the direction and supervision of the permit and development administrator. The permit and development administrator and the building official shall be appointed by and responsible to the director of the community development department. In the event the permit and development administrator does not also serve as the building official, the building official shall be responsible to the permit and development administrator.

Sec. 26-101. Powers and duties of building official.

- (a) *Generally.* Any reference in this article to the building official shall include the building official's designee. General powers and duties of the building official shall be as follows:
- (1) Enforce all the provisions of this Chapter.
 - (2) Be accountable for the issuance of permits, inspections of work, and licensing and certification of contractors.
 - (3) Serve as city staff and advisor to the licensing and appeals board.

- (4) Render interpretations of the building codes and to adopt and enforce rules and regulations supplemental to such codes as the building official may deem necessary in order to clarify the application of the provisions of such codes. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of the applicable code.
 - (5) Determine value or valuation under any of the provisions of the building codes.
 - (6) Appoint staff members and delegate duties to those staff members.
- (b) *Reports and records.* The building official shall be responsible for the following reports and records:
- (1) Report to the director of the community development department and the city manager not less than once a year, covering the work during the preceding period. He or she shall incorporate in that report a summary of his or her recommendations as to desirable amendments to the building codes.
 - (2) A permanent, accurate account of all fees and other monies collected and received under the codes assigned to the building official for enforcement, the names of the persons upon whose account the fees were paid, the date and amount thereof, together with the location of the building or premises to which they relate.
 - (3) Record of the issuance of permits, inspections made, and other official work performed in accordance with this chapter.
 - (4) Records of licensing and appeals boards meetings, hearings, rulings, and other matters performed in accordance with this chapter, and shall notify in writing all persons involved.
- (c) *Specific powers*
- (1) Whenever any condition exists that is in violation of the codes or creates a danger to health and safety, the building official may until further notice:
 - a. Order any work stopped;
 - b. Order changes to any work to correct an unsafe or illegal condition;
 - c. Order discontinuation of any utilities supplying the premises;
 - d. Order vacation of any premises.The building official shall give notice of such action to individuals in control of the premises, and may prescribe a period of time to comply with such notice based on the urgency of the situation.

(2) Whenever necessary to make an inspection to enforce any of the provisions of the building codes or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the building official by the building code. However, if such building or premises is occupied, the building official shall first present proper credentials and request entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry. When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as provided in this subsection, to promptly permit entry therein by the building official or the for the purpose of inspection and examination pursuant to the such codes.

(3) The building official shall have the authority to remove or cause the removal of covering, finishes, or other obstruction which may prevent the proper inspection of work or equipment.

(d) *Emergencies and public nuisances.*

(1) Whenever the building official finds a public nuisance exists which requires immediate action to protect the public health and safety, such official may issue an order reciting its existence and requiring that action be taken as such official deems necessary. The action required by such official shall depend upon the nature of the nuisance, the danger to the public that the nuisance presents, the condition and deterioration of the premises, the potential for rehabilitation of structure involved and the time reasonably necessary to take the required action. If the owner does not comply with the order within the time specified in such order, such official may authorize the taking of the action specified in the order. Any costs incurred may be assessed against the property.

(2) Notice of the order shall be given to all owners, tenants, and other persons holding a property interest in the premises, who are reasonably known to such official. Notice shall be given by that method which

is reasonably calculated to inform each recipient within the shortest practicable period of time, considering the nature of the emergency and any difficulties in notifying the owners. If an owner or other person holding a property interest in the premises cannot be found, an affidavit shall be completed by the person attempting to locate such person, describing the efforts made, and held on file.

(e) *Cooperation of other officials and officers.* The building official may request and shall receive so far as is required, in the discharge of his or her duties, the assistance and cooperation of other officials of this jurisdiction.

(f) *Conflict of Interest.*

Neither the building official nor any of the inspectors shall engage in any of the work for hire regulated by that individual, either directly or indirectly, nor shall the official or any of the inspectors have any financial interest in any firm engaged in such trade business in the city at any time while employed by the city.

(g) *Liability.*

(1) The city or any employee is not liable for damages to a person or property as a result of any act or failure to act in the enforcement of the building codes, unless the act of enforcement constitutes false arrest.

(2) The building codes shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated by such codes for damages to a person or property caused by its defects nor shall the city or any city employee be held as assuming any such liability because of the inspections authorized by such codes or any approvals issued under such codes.

DIVISION 2. LICENSING AND APPEALS BOARD

Sec. 26-120. Licensing and appeals board created; authority.

There is created a licensing and appeals board with authority to:

(1) Review the building, electrical, mechanical and plumbing codes periodically and make recommendations thereto to the city council.

(2) Prescribe rules and regulations for the conduct of examinations of applicants for licenses and

certificates and prepare and conduct written examinations for the licenses and certificates required by this chapter. For written examinations, the board may utilize the services of a professional testing agency in lieu of creating its own tests. The cost of professional testing agency fees shall not exceed the amount collected from the applicants taking the examination.

- (3) Rule upon the qualifications of all applicants, including whether education and training requirements have been met. The board shall certify qualified applicants, together with their respective examination ratings, to the building official within 30 days after the date upon which the examination is held. The building official shall then cause the certificate to be issued. No certificate shall be issued without written certification from the board.
- (4) Suspend or revoke any of the licenses or certificates required by articles II, III, IV and V, for due cause and subject to the limitations in this article, but only after the person charged therewith has been given notice and an opportunity to be heard in their own defense.
- (5) Act as a board of appeals to hear grievances arising from a decision of the building official and to provide for reasonable interpretations consistent with the provisions of the building, electrical, mechanical and plumbing codes. Any person may upon written request appeal a previous decision of the building official to the board for consideration.
- (6) Determine the suitability of alternate materials and types of construction to those otherwise allowed by the building codes and to provide reasonable interpretations of the provisions of such article.
- (7) Waive building code requirements that, in the opinion of the Board, do not render the building or structure more hazardous, based on life safety, fire safety and sanitation, than the code requires.
- (8) Adopt a responsible method whereby the building official is authorized to conduct qualifying examinations for homeowner's permits.
- (9) The board shall not have authority over administrative matters or matters covered by the board of power engineer examiners.

Sec. 26-121. Terms; composition.

- (a) The licensing and appeals board shall consist of 17 members. Fifteen of the members shall be appointed for terms of three years, provided however that the terms of five of the initial appointed members shall be for one year, and the terms of five of the initial appointed members shall be for two years. All appointed terms shall expire on the April 1st.
- (b) The appointed members of the licensing and appeals board shall consist of the following persons having a minimum of five years of experience in the required field:
 - (1) One Iowa registered architect.
 - (2) One Iowa registered professional engineer (structural or construction).
 - (3) One Iowa registered professional engineer (mechanical).
 - (4) One Iowa registered professional engineer (electrical).
 - (5) One general contractor experienced in residential construction.
 - (6) One general contractor experienced in commercial construction.
 - (7) Two electricians who hold an active master electrician certificate of competency issued by the city and are in responsible charge of the electrical installation operation of a licensed electrical contracting firm.
 - (8) One plumber who holds an active master plumber certificate of competency issued by the city and is in responsible charge of the plumbing installation operation of a licensed plumbing contracting firm.
 - (9) One plumber who holds an active journeyman plumber certificate of competency issued by the city.
 - (10) Two mechanical contractors who hold an active class A, B, C or D mechanical contractor license issued by the city.
 - (11) One licensed attorney.
 - (12) One person with experience in real estate or real estate financing.
 - (13) One person with experience in historic preservation.
- (c) The building official and fire marshal shall serve as ex officio members of the board.
- (d) Any member of the board may be removed by the city council for malfeasance in office, incapacity, or neglect of duty.

Sec. 26-122. Hearings.

- (a) Any person affected by a decision of the building official may request and shall be granted a hearing on the decision,

provided that the person shall file in the permit and development center a written petition requesting a hearing and setting forth a brief statement of the grounds within 15 days after receiving notice of the decision. Upon receipt of the petition, the permit and development center shall set a time and place for the hearing and shall give the petitioner written notice thereof at least three days before the date set for it, unless such notice requirement is waived, in writing, by the petitioner. The hearing shall be commenced not later than thirty days after the day on which the petition was filed, unless, for good cause shown, the building official grants a postponement, in writing.

- (b) At the hearing the petitioner shall be given an opportunity to be heard to show why the decision of the building official should be modified or withdrawn. The building official shall have the opportunity to be heard to show why the building official's decision should be affirmed.
- (c) Any hearing concerning the suspension or revocation any license or certificate shall be held at the earliest convenience of all parties concerned, but in any case shall be within five days, excluding Saturdays, Sundays, and holidays, after written notice has been served on the person charged with the violation. The board shall hear all interested parties who have pertinent written or oral evidence or information to present for consideration.

Sec. 26-123. Decisions.

- (a) After the hearing as provided in section 26-122, the licensing and appeals board shall affirm, modify or withdraw the decision of the building official. In proceedings relative to the suspension or revocation of licenses or certificates, at least two-thirds of all appointed members serving on the board must concur in any suspension or revocation.
- (b) Suspensions shall be for any period, up to six months. During the period of suspension, the license or certificate of the offender shall be void, and the offender shall not perform any work for which a license or certificate is required. After the termination of the period of suspension, the license or certificate shall be reactivated by the building official, provided that renewal fees which have become due thereon have been paid.
- (c) The proceedings at any hearing before the board, including the findings and decision of the building official, if applicable, shall be summarized, reduced to writing, and

entered as a matter of public record in the permit and development center. This record shall include a copy of every notice or order issued in connection with the matter.

Sec. 26-124. Meetings; rules of procedure.

- (a) The licensing and appeals board shall schedule examinations at least semiannually, and shall hold additional meetings as necessary to hear appeals or conduct other business. Special meetings may be called at any time by the chair of the board or the building official or upon the written request of two members of the board to the chair and the building official.
- (b) The licensing and appeals board shall adopt reasonable rules and regulations for conducting its meetings
- (c) The city council shall provide suitable rooms in which the board shall hold its meetings and shall provide for the necessary expenses incurred by the board.

Sec. 26-124. Legal counsel.

The licensing and appeals board shall have the right to request legal counsel from the city attorney when counsel is desired.

DIVISION 3. PERMITS AND FEES

Sec. 26-135. Permits required.

No person shall perform any work for which a permit is required under this chapter without first securing a permit from the building official. A separate permit shall be obtained for each building and each type of work unless otherwise indicated.

Sec.26-136. Issuance of permits.

A licensed contractor shall sign all applications for electrical, mechanical and plumbing permits. The building official shall issue electrical, mechanical and plumbing permits in the name of the person holding a contractor's license and the name of the firm or business with whom the contractor is associated. A person holding a contractor's license shall secure permits only for the firm or corporation named on the contractor's license. If a contractor becomes associated with a new firm or corporation, immediate notice must be given by filing the name of such firm or corporation with the office of the building official.

Sec.26-137. Permit transferability; permit restrictions.

- (a) Permits that may only be issued to licensed contractors pursuant to this article are not transferable. Either the contractor securing the permit or another qualified employee from the same firm or business shall perform the work.
- (b) A licensed contractor shall secure permits only for himself or herself and his or her firm or business. When a contractor has secured a permit, only the employees of that contractor or that contractor's firm or business shall perform the work for which the permit was obtained. For purposes of this section, an employee shall be one employed by the contractor for a wage or salary. A contractor may be required by the building official to show positive evidence as to the employee status of workers on the job. The evidence shall be in the form of payroll and time records, cancelled checks, or other documents. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that he or she is, in fact, the actual contractor for the work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours of demand shall be grounds for immediate revocation of any permit for the work in question.

Sec. 26-138. Permit fees.

- (a) There shall be paid to the community development department for the issuance of each permit the base fee and the unit fees in the amounts set in the Schedule of Fees adopted by the City Council by resolution.
- (b) Persons performing work for the federal government or the state or county may obtain permits for that work without paying the permit fees described in this section, provided that nothing in this section shall be construed to exempt payment of permit fees by persons working under the direction of the city in connection with the abatement of any public nuisance on private property, pursuant to city ordinance or state law.
- (c) If a permit is issued for a specific amount of work and, upon inspection, it is determined that more work was performed than was authorized by the permit, the permittee shall amend the permit or obtain another permit to include all additional work and shall pay a new base fee and any unit fees pursuant to paragraph (a).

- (d) If an inspection is requested and performed and the building official determines that the work was not ready, the inspection fails two or more times, or the permit card was not available for sign-off, a reinspection fee may be charged in the discretion of the building official in the amounts set in the Schedule of Fees adopted by the City Council by resolution.
- (e) No permit shall issue to any person who owes the City any outstanding fees.

Sec. 26-139. Double fee for failure to obtain permit before starting work.

- (a) Except in emergency situations, as determined by the building official, if work for which a permit is required by the building codes is started or proceeded with by any person prior to obtaining a required permit, the regular total fees as specified in this article for such work shall be doubled. The payment of such investigation or double fee shall not relieve any person from fully complying with the requirements of the building codes in the execution of the work nor from any other penalties prescribed in this chapter. However, no double fee shall be imposed upon any person who starts work without a permit if:
 - (1) Work is started on Saturday, Sunday, or holiday, or during any other day when the office of the building official is not normally open for business; and
 - (2) Such person secures the proper permit on the next working day of the community development department; and
 - (3) No plan review is required prior to issuance of the permit.

Sec. 26-140. Collection of fees; refunds.

- (a) All fees due the city for examinations, licenses, certificates and permits pursuant to this article shall be collected in the office of the building official and paid thereafter to the city treasurer.
- (b) If, within 30 days of the date of issuance, the holder of a permit decides not to commence the work described in the permit, he or she may, upon application to the building official, be refunded that portion of the permit fee which is in excess of the permit refund fee set in the Schedule of Fees adopted by the city council by resolution.

Sec. 26-141. Work by homeowner.

The building official may exempt homeowners from the requirement of having a contractor's license to do work on their primary residence after the homeowner demonstrates the competency, knowledge, skills, and abilities to safely perform the intended work. The homeowner must provide evidence to the building official that the work will be performed on homeowner's primary residence only. This section does not exempt the homeowner from the permit or fee requirements of this chapter.

Sec. 26-142. Revocation and expiration of permit.

- (a) Any permit required by this chapter may be revoked by the building official upon the violation of any section of this article.
- (b) A willfully false statement in an application for a permit shall be sufficient cause for revocation.
- (c) Every permit issued under this chapter shall expire by limitation and shall become void if the work authorized by it is not commenced within 60 days from the date of its issuance or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before the work can recommence a new permit shall be obtained, and the fee shall be one-half of the amount required for a new permit, provided that the suspension or abandonment has not exceeded the following:
 - (1) three years for building permits for commercial buildings valued over \$10 million;
 - (2) two years for building permits for commercial buildings valued at \$10 million or less;
 - (3) one year for all other permits.

DIVISION 4. LICENSES AND CERTIFICATES

Sec. 26-160. Electrical, Plumbing and Mechanical Contractor's license.

Except as otherwise provided in this chapter, no person, firm or business shall engage in, or represent to the public as engaging in any activity or business of the work or activities regulated by this chapter for any building within the city without first having obtained from the city a contractor's license.

Sec. 26-161. Application.

- (a) Any person desiring to take any examination for the licenses required by this article shall make application on forms furnished by the building official. Each application shall be accompanied by a receipt from the city treasurer for the examination fee, which shall be paid for each examination or reexamination. All applications shall be made and the application fee shall be paid at least 20 calendar days prior to the date of the examination.
- (b) Any person desiring a license required by this article shall make application on forms furnished by the building official. Each application shall include evidence of passing the required examination with a score of 75 percent or greater. Supplementary information related to experience, bonds, insurance, and fees shall be supplied at the time of application, if required for the license or certification sought.
- (c) The fees for the examinations, licenses, and sponsorship required by this article shall be in the amounts set in the Schedule of Fees adopted by the city council by resolution.

Sec. 26-162. License fees.

The fees for examinations, licenses, certificates, and unexpired license renewals shall be as set in the Schedule of Fees adopted by the city council by resolution, except that any certificate holder who is designated by the building official to perform duties for the city may be issued a renewal of such certificate without a fee. A sponsorship fee must be paid for city sponsorship of an applicant to an exam.

Sec. 26-163. Expiration, renewal, inactive, revocation.

- (a) All licenses and certificates required by the electrical and mechanical codes shall expire on January 31 in each odd-numbered year. All licenses and certificates required by the plumbing code shall expire on December 31 in each even-numbered year.
- (b) Any expired license or certificate may be renewed within 90 days after the expiration date. The biennial fee and the late renewal fee are set in the Schedule of Fees adopted by the city council by resolution. Once the 90-day grace period has elapsed the applicant may not be issued any further permits until the applicant appears before the licensing and appeals board for determination whether re-testing is required for reissuance of a license.

- (c) Any class of license held for at least a year and with no outstanding work may be converted to and maintained as an inactive license. Holders of inactive licenses shall not be issued permits.
- (d) All applicants seeking renewal of a license or maintenance of an inactive license are required to provide proof that the applicant attended at least eight hours of acceptable workshops or classes for the purpose of code update and review during the biennial period.
- (e) A willfully false statement in an application for a license shall be sufficient cause for revocation.

Sec. 26-174. Contractor's license bond.

- (a) Prior to the issuance or renewal of any contractor's license, and unless otherwise indicated in this article, the applicant shall file with the office of the building official a surety bond running to the city in the sum of \$5,000.00 to be approved by the building official and by the city legal department, to save the city harmless on account of any and all failures on the part of such applicant to comply in all particulars with the provisions of the building codes and all other applicable laws and ordinances, rules and regulations relating to the work for which a permit has been issued and to ensure the rectification of defective work to the satisfaction of the building official.
- (b) To ensure the collection of permit fees and the rectification of defective work, and unless otherwise indicated in this article, the applicant shall in addition to filing the bond required before the license is issued file with the treasurer for each license applied for a cash bond in the sum of \$500.00 or a certificate of deposit in a like amount made payable to the city by a bank doing business in the state. Such cash bond or certificate of deposit shall remain on deposit with the city for 90 days after the expiration or surrender of the license. Upon the death of the licensee, the treasurer may, upon approval of the building official, release the bond or certificate of deposit before the expiration of 90 days. A letter of request must be submitted to the building official for release of the bond or certificate of deposit.

DIVISION 5 INSPECTIONS AND ENFORCEMENT

Sec. 26-175. Inspections.

- (a) The person doing any work for which a permit is required shall notify the building official that the work is ready for inspection. The building official shall perform the required inspection and, if the work complies with the provisions of the building codes, issue written verification noting the date and results of the inspection. If the work does not comply with the provisions of the building codes, the building official shall post a violation tag in a conspicuous place on or near the work. The violation tag shall contain the date and results of the inspection and, when requested, shall note specific violations. Work that has no tag attached shall be considered unapproved. A tag shall not be removed by any person other than the building official.
- (b) When the work is completed, the person doing it shall notify the building official that the work is ready for final inspection.

Sec. 26-176. Notice of and failure to remedy defects.

Any work for which a permit is required shall be subject to inspection at any time. The building official may revoke a permit at any time when the work is not being done in accordance with the building codes, or any other applicable law, ordinance, rule or regulation. The building official may take any necessary action including but not limited to disconnecting utility service affecting the defective work from the building. The utility service shall not again be turned on until all defects or improper conditions have been removed or repaired in conformance with the provisions of the building codes.

Sec. 26-177. Correcting defective work.

When a contractor is notified that defects exist in his or her work, he or she shall make corrections within 30 days after notification. If not so made, the building official may withhold issuing any other permits to the contractor or for the property until defects are corrected and approval given by the building official.

Sec. 26-178. Covering or concealing work.

No work for which a permit is required shall be concealed in any manner from access or sight until the work has been inspected and approved by the building official.

Sec. 26-179. Temporary work.

Temporary work means work that is obviously installed for the convenience of a contractor or builder during construction. This work shall be the complete responsibility of the person who installs it and shall not require the inspector's approval prior to being used, provided that the inspector may require corrections in the work to eliminate any hazardous or unsafe conditions. All such work shall be installed by a licensed contractor or his or her employee and shall be removed before final approval of permanent work. Temporary work shall not be permitted to remain in use in excess of six months except by written permission of the building official.

Sec. 26-180. Furnishing utility service prior to approval of work.

No person furnishing electrical, gas or water service in the city shall connect his or her system or furnish electricity, gas or water to any building or premises which has not been inspected and approved by the building official. Any person shall, upon written notice from the building official to do so, immediately disconnect such building or premises from its service.

Sec. 26-181. Civil violations and penalties.

- (a) No person shall engage in or cause any activity to be done in violation of any provision of the building codes.
- (b) Any person who fails to perform an act required by the provisions of this chapter or who commits an act prohibited by the provisions of this article shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-15 of the city Code, or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of the city Code.
- (c) The city may obtain injunctive relief to enforce the provisions of this chapter.

ARTICLE II. BUILDING CODE

Division 1. Generally

Sec. 26-200. Adoption of International Codes.

- (a) This article shall consist of the International Building Code ("IBC"), the International Existing Building Code ("IEBC"), and Parts I, II, III, V, VI and appendix chapters

H & J of the International Residential Code ("IRC") all 2003 editions published by the International Code Council, which volumes are incorporated by this reference in their entirety, except as otherwise indicated in this article.

- (b) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the building code. References to section numbers not preceded by "26-" will be to sections in the International Building Code, the International Existing Building Code, or the International Residential Code.

Sec. 26-201. Historic buildings.

Notwithstanding the provisions of IBC section 3407, buildings of any occupancy, except for group H (hazardous) occupancies, classified as historical buildings within the context of IBC sections 202 and 3407, or buildings more than 50 years old, may be repaired, modified, altered, moved or improved in accordance with the provisions of the IEBC. The provisions of the IEBC shall not supersede the provisions of the building code relating to unsafe buildings or structures.

Sec. 26-202. Deletions.

The following are deleted from the building code and are of no force or effect in this article:

- (1) Chapter 13 of the International Building Code
- (2) Sections 103,112, 115, 1612,3109 and;
- (3) Subsections: 101.4 104.8, 105.2, 105.5, 108.3, 109.3.3, 109.3.5,109.3.7 of the International Building Code
- (4) Sections R103, R112, and;
- (5) Subsections: R104.8, R105.2, R105.5, R108.3, R109.1.3,and;
- (6) Table R403.1 of the International Residential Code

Sec. 26-203. Exceptions.

Skywalk system. Notwithstanding the provisions of Chapter 32 of the International Building Code, the structures of a duly authorized portion of the public skywalk system may project into an alley to the extent authorized by the city council pursuant to article V of chapter 102 of the city Code.

Sec. 26-204. Amendments and additions.

The remaining sections in this article represent amendments and additions to the requirements contained in the International Building Code and the International Residential Code. In the event there are requirements that conflict with these codes, the requirements of this article shall prevail.

Sec. 26-205. Foundations for stud bearing walls.

The following table is substituted for table 403.1 of the International Residential Code:

TABLE NO. 403.1 FOUNDATIONS FOR STUD BEARING WALLS

Minimum Requirements*

Number of Stories	Thickness of Foundation Walls* (inches)		Minimum Width of Footing* (inches)	Thickness of Footing (inches)	Minimum Depth of Foundation Below Natural Surface of Ground and Finish Grade (Inches)
	<i>Concrete</i>	<i>Masonry</i>			
	<i>Unit</i>				
	<i>Concrete</i>	<i>Masonry</i>			
1	8	8	16	8	42
2	8	8	16	8	42
3	10	12	18	12	42

* See section 26-39 of this article for reinforcing requirements for residential occupancies regulated by the International Residential Code.

Sec. 26-206. Foundation retaining walls for One and Two family Dwelling occupancies.

- (a) *Scope.* Notwithstanding other design requirements of Sections R404.1 - R404.1.5.1 of the International Residential code, foundation retaining walls for One and Two Family Dwelling occupancies of type V construction may be constructed in accordance with this section, provided that use or building site conditions affecting such walls are within the limitations specified in this section.
- (b) *Specifications.* General specifications for such foundation retaining walls shall be as follows:
- (1) The maximum height of the foundation wall shall be seven feet eight inches measured between the foundation plate and a concrete floor slab having a minimum thickness of 3 1/2 inches. If such floor slab is not provided, a specially designed means of providing lateral support at the bottom of the wall shall be required.
 - (2) The foundation plate shall be attached to the wall with one-half-inch steel bolts as prescribed in of the International Residential code.
 - (3) Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system. The height of finish grade requirements of Section R404.1.6 of the International Residential code shall be observed at all times.
 - (4) Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.
- (c) *Hollow concrete masonry foundation walls.* Specifications for hollow concrete masonry foundation walls shall be as follows:
- (1) Hollow concrete masonry units shall be set in type M or type S mortar.
 - (2) All footings shall be of cast-in-place concrete having a minimum compressive strength of 3,000 pounds per square inch at 28 days, and shall be reinforced longitudinally with not less than one-half-inch steel bar for one-story construction, or two one-half-inch diameter steel bars for two-story construction. Footing reinforcement shall be symmetrically placed and so located as to ensure no less than three inches of concrete cover on all sides.
 - (3) Foundation walls having a nominal thickness of not less than 12 inches may be unreinforced. Other

foundation walls shall comply with the following requirements:

- a. The nominal thickness of concrete masonry units shall not be less than eight inches.
 - b. When a foundation wall has a horizontal clear span of more than 12 feet between supporting cross walls or corners, fully grouted vertical reinforcing shall be provided in the center of such wall in the amount of 0.075 square inch of ASTM A615 grade 40 steel per lineal foot of wall. All reinforcing steel shall be deformed bars spaced no more than eight feet zero inches on center. All grout shall comply with section R607 of the International Residential code.
- (d) *Cast-in-place plain concrete foundation walls.* Cast-in-place plain concrete foundation walls constructed under this subsection shall be of concrete having a minimum compressive strength in 28 days of not less than 3,000 pounds per square inch. All materials, proportioning, and placing shall conform to the requirements of chapter 4 of the International Residential Code. In addition:
- (1) The minimum thickness of wall shall be 7 1/2 inches.
 - (2) Walls shall be reinforced with no less than three one-half-inch diameter deformed ASTM A615 grade 40 steel bars placed horizontally at the center of the wall, with one bar located near the top, one bar located near the bottom, and one bar located near midheight of the wall. Reinforcing bars and methods of placement shall be in accordance with chapter 26 of the building code.

Sec. 26-207. Snow loads.

For purposes of determining snow loads as required in Sections 1608 of the International Building Code and Section 301.2 of the International Residential Code, the minimum ground snow load for design purposes shall be 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in the building code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.

Sec. 26-208. Ice Dam Protection

Notwithstanding the provisions of Section R905.2.7.1 of the IRC, Ice Protection, ice dam protection materials are not required if:

- (a) the building is constructed with a raised heel truss or similar design, and
- (b) a minimum R38 attic insulation extends across the top plate to a point aligning with the exterior sheathing, and
- (c) The plans for the alternative design described in this section are submitted and approved at the time the building permit is issued.

Sec. 26-209. Permanent occupancy of public property generally.

- (a) No part of any structure or any appendage thereto, except signs, shall project beyond the property line of the building site, except as specified in the building code; provided, however, that a structure or appendage thereto may project beyond the property line of the building site when the applicant holds a property interest, including but not limited to air rights, within the area of the projection sufficient to establish a legal right to build therein or thereon.
- (b) Structures or appendages regulated by this section shall be constructed of materials as specified in the building code.
- (c) The projection of any structure or appendage shall be the distance measured horizontally from the property line to the outermost point of the projection.
- (d) Nothing in the building code shall prohibit the construction and use of a structure between buildings and over or under a public way provided the structure complies with all requirements of the building code.
- (e) No subsection of this section and no provision of the Building Code shall be construed to permit the violation of other laws or ordinances regulating the use and occupancy of the public property.

Sec. 26-210. Demolition of buildings and structures.

- (a) Permit required; expiration. A permit shall be required for demolition of buildings and structures in accordance with the following:
 - (1) No person shall commence the work of demolishing any building or structure until a permit authorizing such work has been obtained from the building official. Every demolition permit issued under the provisions of this section shall expire by limitation and become null and void if the work authorized by such permit is not commenced within seven calendar days from the date of issuance, or if the work authorized by such permit

is not completed within 30 calendar days of the date of issuance, unless, because of the extensiveness of the project, the building official deems at the time of issuance a longer period for either commencement or completion should be granted.

(2) Any permittee holding an unexpired demolition permit may request in writing an extension of time within which the demolition work may be commenced or completed. If such request contains good and satisfactory reasons showing that circumstances beyond the control of the permittee have prevented timely commencement or completion of the work, the building official may extend the applicable expiration date.

(3) Except as provided in this section, a demolition permit that has expired shall be null and void, and before any demolition work is subsequently commenced a new permit therefore shall be obtained. The fee for such permit shall be at the same rate as the original permit.

(4) If a demolition permit to remove an unsafe building or a building that is the subject of a public nuisance action has expired, the building official shall order the prompt removal of such structure, in accordance with all requirements of this article. All of the costs attendant to this action, including administrative costs, shall be either assessed against the property or collected from the owner unless otherwise directed by the city council.

(b) *Application for permit.* Application for a permit to demolish a building or structure shall be made to the building official. The applicant shall provide the following information:

(1) The name and address of the person in responsible charge of the work.

(2) The street address and legal description of the property on which the building or structure is located.

(3) The name and address of the owner and, when appropriate, his or her legal agent in responsible charge of the property.

(4) Overall dimensions, number of stories and materials of construction of the building or structure to be demolished.

(5) A plan showing areas to be protected by fences, barricades, covered walkways, or other protective devices, and details of construction for such devices.

- (6) Location of the site where the demolition debris is to be discarded.
- (7) Approval from other affected city departments or governmental agencies when deemed necessary by the building official and any special conditions or restrictions relating thereto.
- (8) For demolition by explosives, the applicant shall furnish the information required in this subsection and shall furnish information regarding the person who will be conducting the demolition by explosives and shall furnish plans showing how the building or structure will be prepared for demolition, the type and amount of explosives to be used, and a detailed plan showing what safety precautions will be taken to protect persons and property.
- (9) A permit for the demolition of a building or structure by the use of explosives may be issued by the city council subject to the following conditions:
 - a. The applicant for a permit must demonstrate to the city council the need for demolition by explosives rather than demolition by conventional means and must demonstrate that demolition by explosives can be safely conducted at the specific location requested.
 - b. The building official, fire chief and police chief shall review the application and submit their opinions to the city council concerning whether or not the demolition can be safely conducted, together with any recommendations they may have.
 - c. The applicant shall provide a certificate of liability insurance for personal injuries, death and for property damage in an amount not less than \$1,000,000.00 naming the city as an additional named insured party. The certificate shall provide that the coverage shall not be cancelled or changed without ten days' prior written notice to the city. The city council may require additional insurance coverage when the hazard appears greater than normally expected and may also in such instance require the posting of a bond acceptable to the city in an amount commensurate with the severity of the hazard. The bond shall provide that the applicant shall well and satisfactorily perform the demolition. The bond shall be for the benefit of the city and any person who is injured or damaged by the failure

of the applicant to satisfactorily perform the demolition.

- d. The applicant shall agree to indemnify and hold harmless the city from all losses resulting from damages or injuries caused by the applicant or the applicant's employees, servants or agents arising out of the use of explosives in demolition.
- e. The applicant shall pay the city in advance for reasonable expenses that will be incurred by the city in furnishing necessary security and police protection in the vicinity of the demolition site.
- f. The applicant shall observe all applicable federal, state and local laws in the course of the demolition, including but not limited to the following:
 - 1. The applicable provisions of the city fire prevention code relating to the storage, transportation and use of explosives.
 - 2. The rules and regulations of the United States Environmental Protection Agency relating to the demolition of buildings or structures containing asbestos materials or other hazardous air pollutants.
- g. The applicant shall meet all other requirements of this article relating to the demolition of structures or buildings; provided, however, that if a conflict exists between the provisions of this subsection and other sections of the city Code, the provisions of this subsection shall be deemed to be controlling.
- h. The applicant need not obtain an obstruction permit as provided in section 26-211 of this article to block off portions of public property within an appropriate distance of the demolition site, provided that the obstruction is for less than a 24-hour period and provided that the obstruction is for security purposes in connection with the use of explosives. However, the applicant shall be required to obtain an obstruction permit to use public property in the cleanup operations following the detonation of explosives.
- i. The city council shall at any time have the authority to impose additional requirements and

safety precautions in the interest of the public health, safety and welfare.

- (10) Such other information as shall be reasonably required by the building official.
- (c) *Disconnection of sewer and water.* No permit to demolish shall be issued until it has been established that existing sewer and/or water services have been properly disconnected and approved.
 - (d) *Bond required.*
 - (1) Before a permit is issued to remove a building which has been ordered removed as a public nuisance and which period of time granted by the city or by the courts for removal or other remedial action by the applicant or other party of interest has expired, the applicant may be required to post a cash bond equal to the estimated costs of the removal of the building and the disconnection of the existing utility services. If the applicant does not remove the building at the time the permit expires at a time specified by the building official, such bond shall be forfeited and used toward the costs of the city to remove it.
 - (2) If the building is removed by the applicant prior to the time the permit expires, such bond shall be returned to the applicant. A return of the bond does not exempt the applicant from further assessments to the real estate for costs that have occurred prior to the issuance of the permit.
 - (e) *General requirements.*
 - (1) The building official shall have the authority to impose at any time reasonable requirements and safety precautions in the interest of public health, safety, and welfare which, in his or her opinion, are commensurate with the severity of hazard, either demonstrated or anticipated, provided that such requirements may be appealed to and reviewed by the board of appeals at the request of the affected party.
 - (2) In addition, the following shall be met:
 - a. The discharging, loading, or dumping of building materials from any building shall be accomplished in such manner as to minimize the creation of dust and scattering of debris. Materials shall not be dropped by gravity to any point lying outside the building walls except through an enclosed chute, unless such materials are dust free and the height of drop is at least equal to the horizontal distance to the nearest property or barricade line. Where such horizontal distance

is not available and practical necessity dictates the dropping of relatively large masses of materials, the building official may approve appropriate protective measures designed to provide protection from danger equivalent to that afforded by the otherwise required horizontal setback; provided, however, that in all cases such materials shall be handled in a manner approved by the air pollution control division of the county health department.

- b. When necessary to protect the public health, safety, or welfare, every demolition project shall be barricaded, fenced, lighted, and signed with warning and/or directional signs in a manner approved by the building official. The building official may also require the presence of approved security guards or flag persons. Such barricades, fences, lights, and signs as may be deemed necessary by the building official for protection of the public shall be maintained after completion of the demolition work until such time as the site is cleaned of all debris and all excavations, basements, and depressions in the ground are restored to grade and rendered harmless.
- c. Adequate precautions shall be taken to ensure that procedures or conditions relating to the demolition work do not constitute a fire hazard. If, in the opinion of the fire chief, a fire hazard exists or is likely to exist, he or she may order the cessation of work or require that appropriate protective measures approved by him or her be taken.
- d. All streets, alleys, and public ways adjacent to the demolition site shall be kept free and clear of any rubbish, refuse, and loose material resulting from the demolition work unless an obstruction permit for such space has been obtained.
- e. Upon completion of the demolition work, the site shall be left in a clean, smooth condition. Inorganic building rubble, sand, clean earth, or other approved fill material may be used to fill excavations, basements, and depressions, provided that the top 12 inches shall be clean earth or its equivalent in terms of surface smoothness, free from dust, and cleanliness. If the surface

is to be used for the parking of vehicles, it shall be constructed as required in chapter 134 of the city Code pertaining to zoning.

- (3) No permit to demolish shall be issued until a grading permit, waiver of grading permit, or a solid waste disposal site license is obtained for any location within the city where the demolition debris is to be discarded.

Sec. 26-211. Obstruction permit, bond, and insurance.

- (a) No person shall use any portion of public property as described in Section 3308 of the International building code without first obtaining an obstruction permit which shall state the following:
 - (1) The name of the owner of the property abutting the public property to be used.
 - (2) The name of the person applying for the obstruction permit.
 - (3) An accurate description of the public property to be obstructed or occupied.
 - (4) The length of time such obstruction or occupancy shall exist.
 - (5) An agreement to comply in all respects with the provisions and requirements of the building code, this article and other city ordinances relating to the use of streets and alleys and to indemnify and save and keep harmless the city from any and all costs, expense or liability for damages or injuries to persons or property or liability of any kind whatsoever, arising from or growing out of the use and occupancy of such street or growing out of the deposit of such material or any failure to properly pile, deposit, guard, light or care for such.
 - (6) Such additional requirements as may be deemed necessary for the protection of the city and its inhabitants.
- (b) Before an obstruction permit shall be issued, there shall be placed on file in the office of the building official a surety bond and liability insurance as follows:
 - (1) A surety bond in the sum of \$5,000.00 conditioned to ensure removal of the obstruction by or before the expiration date of such obstruction permit or such extended time as may be granted by the city; and
 - (2) Liability insurance showing the city as named additional insured and providing a minimum limit of liability in the amount of \$500,000.00 each accident,

for accidents caused by maintenance of such obstruction. The insurance policy shall contain a provision whereby such insurance may be cancelled or materially altered only after giving the city ten days' written notice of the change or cancellation.

- (c) Such surety bond and liability insurance shall be approved by the building official and the legal department and shall be conditioned to secure the performance of such agreement by the applicant.
- (d) No person shall, under any permit, occupy more area than is stated in the obstruction permit.
- (e) The fee for an obstruction permit shall be as set forth in the Schedule of Fees adopted by the city council by resolution.

Sec. 26-212. Exterior building wall construction.

- (a) Notwithstanding anything contained in section 602 or 704 of the International Building Code, an exterior wall may be constructed with openings without complying with the requirements of such sections related to opening protection, provided that before a building permit is issued which permits an exterior wall to be so constructed, the owner of the building shall furnish the building official with either of the following:
 - (1) A copy of an easement or covenant running with the land applicable throughout the existence of the proposed building in which those with interests in the property abutting the side of the property on which such exterior wall is to be constructed agree not to construct a building on such abutting property within the distances to such exterior wall set forth in such sections 602 and 704 which would require such exterior wall and such building on such abutting property to have the opening protection of such sections 602 and 704, which copy shall show the book and page where such document has been filed of record in the office of the county recorder; or
 - (2) An agreement, in a form capable of being filed of record in the office of the county recorder, for the benefit of those with interest in the abutting property, by which the owner of the building and the owner of the property on which such building is to be built, jointly and severally agree, on behalf of themselves and their successors and assigns for so long as such building is in existence, that, in consideration for being permitted to build an exterior

wall of such building without complying with such sections 602 and 704, at such time as a building is erected on the abutting property within the distances to such exterior wall contained in such sections 602 and 704, they shall modify or rebuild such exterior wall to conform at least to the requirements of such sections 602 and 704 applicable to the actual separations of the buildings; such agreement shall be recorded at the expense of the applicant for the building permit.

- (b) Notwithstanding anything contained in section 602 or 704 of the International Building Code, an exterior wall may be constructed with openings adjacent to a public street or alley right-of-way without complying with the requirements of such sections related to opening protection, provided the following conditions are each satisfied:
- (1) The setback between the exterior wall and the far side of the adjoining public right-of-way must conform at least to the requirements of such sections 602 and 704 applicable to the actual separation of building.
 - (2) The city council has by resolution declared an intent to permanently maintain the adjoining right-of-way as a public street or alley, and to never permit a structure to be constructed or placed upon the right-of-way within the required separation from the exterior wall. The resolution shall specifically describe the affected right-of-way and shall be in a form that can be recorded and indexed into the records of the county recorder.
 - (3) The owner of the building has furnished a copy of the city council resolution described above, which copy shall show the book and page where such document has been filed of record in the office of the county recorder.

Sec. 26-213. Footings for group U occupancies.

Notwithstanding the provisions of section 1805.2 & R403.1.4.1, the building official may approve the omission of frost footings under a one-story wood or metal frame building not exceeding 720 square feet in area used exclusively for group U purposes. Any foundation system shall, however, provide the same approximate uniform frost protection.

Sec. 26-214. Residential wood floor cantilevers.

Notwithstanding the provisions of Chapter 5 of the International Residential Code, the maximum floor cantilevers of dimensional wood floor systems serving uses regulated by the International Residential Code shall not exceed a projecting dimension equal to twice the depth of the floor joist for bearing cantilevers and three times the depth of the joist for non-bearing cantilevers. This provision shall not apply to Engineered Wood products or cantilevers designed by a registered design professional for a specific application.

Sec. 26-215. Treads and risers for residential occupancies

Notwithstanding the provisions of section R314.2 of the International Residential Code, the greatest riser height of any flight of stairs shall not exceed the smallest by more than 3/8 inches, except at the top and bottom riser of an interior stair where this dimension may deviate by 1 inch. In no case shall the risers exceed the maximum height of 8 inches. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch

Sec. 26-216. Residential handrails.

On handrails serving uses regulated by the International Residential Code, continuous handrails shall be permitted to be interrupted by newel posts at turns, and at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues. Ends shall be returned to or shall terminate in newel posts or safety terminals.

Sec. 26-217. Shelter for the homeless.

- (a) As used in this section, the term "shelter for the homeless" means a building used to provide primarily short term lodging, or short term lodging and meals, and which may also provide other services, including counseling, with or without compensation, to transient individuals or to individuals who have no access to traditional or permanent housing. For purposes of this subsection, short term lodging shall include facilities offering lodging for 30 days or less.
- (b) No building or portion thereof that is to be used as a shelter for the homeless shall be occupied as such unless an inspection certificate for such use has been issued by the building official. Such certificate shall be valid for not more than one year from the date of issuance, and no new certificate shall be issued until the premises have

been reinspected for compliance with applicable building code, zoning and fire safety requirements. No fee shall be charged for the annual inspection or certificate of compliance issued under this subsection; provided, however, that this fee exemption shall not apply to permit fees, when required.

- (c) Facilities which fall under federal, state or other local regulations which require annual inspections for building and health safety standards shall be exempted from this section.

Sec. 26-218. Easement required for skywalk corridor prior to building permit issuance.

Where a skywalk corridor is shown on an approved site plan for a proposed development, no building permit shall be issued for that proposed development until the city council has accepted a right to an easement for such skywalk corridor.

DIVISION 2. PERMITS AND INSPECTIONS

Sec. 26-230. Permit fees.

- (a) *Building permit fees.* Building permit fees shall be as follows:
 - (1) A fee for each building permit shall be paid to the building official in the amount set in the Schedule of Fees adopted by the city council by resolution. The fee for a permit to construct only a foundation for a future building shall be 150 percent of the fee specified in the Schedule of Fees, with the value of the foundation for such purpose being ten percent of the total valuation of the future building and foundation.
 - (2) The determination of value or valuation under any of the provisions of the building code shall be made by the building official. The valuation to be used in computing the permit and plan-check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent work or permanent equipment.
 - (3) In addition to other fees required in this section, a fee shall be paid to the building official for the review of plans and inspection of construction for compliance with the thermal efficiency standards of

division 8 of the Iowa State Building Code. The amount of such fee is set in the Schedule of Fees adopted by the city council by resolution.

- (4) In addition to other fees required in this section, a fee shall be paid to the building official for review of documents (plans, specifications and related documentation) for compliance with the handicap provisions of division 7 of the Iowa State Building Code. The amount of such fee is set in the Schedule of Fees adopted by the city council by resolution.
 - (5) Except in emergency situations, as determined by the building official, whenever any work for which a permit is required by the building code has been commenced without first obtaining such permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this section. The minimum investigation fee shall be the same as the minimum building permit fee under paragraph (1), above. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the building code nor from any penalty prescribed by law.
- (b) *Plan-checking fees.* Plan-checking fees shall be as follows:
- (1) When a plan is required to be submitted a plan-checking fee in the amount set in the Schedule of Fees adopted by the City Council by resolution shall be paid to the building official at the time of submitting plans and specifications for checking. Exception: The plan-check fee for buildings of one and two family dwelling occupancies and accessory structures of group U occupancy may be waived by the building official when the plans do not involve unusual or complex engineering design features.
 - (2) Where plans are incomplete or changed so as to require additional plan checking, an additional plan-check fee shall be charged at the rate set in the Schedule of Fees adopted by the city council by resolution.
 - (3) Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans submitted for checking may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a

period not exceeding 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan-check fee.

(c) *Fee refunds.* Fees may be refunded as follows:

- (1) The building official may authorize the refunding of any fee paid under this section which was erroneously paid or collected.
- (2) The building official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with the building code.
- (3) The building official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

(d) *Exemption for certain classes of applicants.* Persons performing work for the federal government or the state or county may obtain permits for such work without paying the permit fees as provided for in this section; provided, however, that nothing in this section shall be construed to exempt payment of permit fees by persons performing work under the direction of the city in connection with the abatement of any public nuisance on private property, pursuant to city ordinance or state law. This exemption shall not apply to plan-checking fees.

(e) *Waiver of permit fees by city council.* The city council upon receipt of timely application may by resolution waive payment of permit fees required in this chapter to persons who develop a project within the Metro Center Urban Renewal Project Area which will receive assistance from the city, from Polk County or from the state of Iowa under Iowa Code, Chapter 15F, Vision Iowa Program.

Sec. 26-231. Permit exemptions.

- (a) A building permit shall not be required for the following:
- (1) One-story detached accessory buildings used as tool or storage sheds, playhouses, pet shelters, and similar uses, provided the projected roof area does not exceed

120 square feet in area and complies with all applicable zoning requirements. Such building must be located at least three feet from any property line and six feet from any dwelling.

- (2) Chain link or wire fences four feet or less in height and all other fences three feet or less in height.
- (3) Movable cases, counters, and partitions not over five feet high.
- (4) Retaining walls, which are not over four feet in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.
- (5) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
- (6) Platforms, walks, and driveways not more than 30 inches above grade and not over any basement or story below.
- (7) Painting, papering, and similar finish work.
- (8) Temporary motion picture, television and theater stage sets and scenery.
- (9) Window awnings supported by an exterior wall of group One and Two family Dwellings and group U occupancies when projecting not more than 54 inches.
- (10) Mobile or manufactured buildings which are:
 - a. Constructed in accordance with the provisions of the Iowa State Building Code and the Manufactured Home Construction and Safety Standards, Department of Housing and Urban Development;
 - b. Located in an authorized mobile home park or similar development; and
 - c. Installed in a manner complying with the Iowa State Building Code, such installation to be certified in the manner specified by the state building code commissioner.
- (11) Minor maintenance and repair work that is deemed by the building official not to affect structural strength, safety, fire resistance, or sanitation, provided that no such work shall be performed in a manner contrary to any provisions of the building code or any other laws.
- (12) Repair work performed on stairs in residential structures when such repairs are subject to inspection by, and approval of the Neighborhood Inspection Division under the auspices of article IV of this

chapter. New or replacement stairs are not included in this exemption.

- (b) Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required when appropriate for the exempted items in subsection (a) of this section.
- (c) Exemption from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the building code or any other laws or ordinances of this jurisdiction.

Sec. 26-232. Expiration.

- (a) Every permit, except a demolition permit, issued by the building official under the provision of the building code shall expire under any one of the following conditions:
 - (1) Failure to begin work authorized within 180 days after issuance of the permit.
 - (2) Suspension or abandonment of work for 120 days after commencement of the work. Time of occurrence of suspension or abandonment of work shall be computed from the date of the most recent inspection since which no progress has been made.
 - (3) Failure to complete work on a structure designed for residential uses within one year after issuance of a permit.
 - (4) Failure to complete work on a structure designed for commercial or industrial uses within two years after issuance of a permit. For permits with a valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.
- (b) Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence or continue work. The building official may give such extension of time at his or her discretion as follows:
 - (1) For structures designed for residential uses, two extensions, each extension not exceeding 90 days.
 - (2) For structures designed for residential/ commercial uses, three extensions, each extension not exceeding 90 days.
 - (3) For structures designed for commercial or industrial uses, three extensions, each extension not exceeding 180 days.
 - (4) In all cases, when a renewal is granted the structure for which the permit is required shall comply with code requirements in effect at the time the permit is renewed.

- (c) Any of the extensions in subsection (b) of this section may be further extended by action of the city council. An expired permit may not be reissued without a permit fee except by resolution of the city council.

Sec. 26-233. Unsafe buildings.

- (a) All buildings or equipment which are considered unsafe and unfit for occupancy are ones which contain one or more of the following defects:
- (1) structurally unsafe, dilapidated, decayed, obsolete, dangerous, abandoned, not secured against entry;
 - (2) insanitary, contains filth and contamination, vermin infested;
 - (3) lack adequate egress, light, ventilation, maintenance, or minimum safeguards to protect or warn occupants in the event of fire;
 - (4) involve illegal or improper occupancy.
- (b) All unsafe buildings or equipment may be declared to be public nuisances by the building official and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in section 60-300 et seq. for residential structures.

DIVISION 3. SIGNS AND BILLBOARDS

Sec. 26-250. Definitions.

For the purpose of this division, certain terms, phrases, words and their derivatives shall be construed as specified in either this section or as specified in the building code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1993, shall be considered as providing ordinary accepted meanings.

Approved plastic materials means those which are defined in the International Building Code.

Billboard means all structures, regardless of the material, used in the construction of the structures that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which such signs or billboards are located.

Curb line means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the city engineer.

Legal setback line means a line established by ordinance beyond which no building may be built. A legal setback line may be a property line.

Marquee means a permanent roofed structure attached to and supported by the building and projecting over public property.

Noncombustible, applied to building construction material, means a material which, in the form in which it is used, is either one of the following:

- (1) Material of which no part will ignite and burn when subjected to fire. Any material conforming to International Building Code shall be considered noncombustible within the meaning of this section.
- (2) Material having a structural base of noncombustible material as defined in subsection (1) of this definition with a surfacing material not over one-eighth inch thick which has a flame-spread rating of 50 or less.

The term "noncombustible" does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature shall refer to material conforming to subsection (1) of this definition. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits established in this definition, through the effects of age, moisture or other atmospheric condition. The term "flame-spread rating" as used in this definition refers to rating obtained according to tests conducted as specified in International Building Code.

Nonstructural trim means the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.

Portable display surface means a display surface temporarily fixed to a standardized advertising structure and which may be moved from structure to structure at periodic intervals.

Projection means the distance by which a sign extends over public property or beyond the building line.

Sign means any structure, including but not limited to a device or display, other than buildings or landscaping, used primarily for visual communication for the purpose of or having the result of bringing the subject thereof to the attention of a person, group of persons, or the public generally. The term "sign" includes but is not limited to any and all reading matter, letters, numerals, pictorial representations, emblems,

trademarks, inscriptions, and patterns, whether affixed to a building, painted or otherwise, depicted on a building, or separate from any building. Nothing in this division shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.

Sign area means the total area contained within the faces of a sign; provided, however, that the area of a sign containing back-to-back sign faces or V-type sign faces with an internal angle of 45 degrees or less, attached to a single supporting structure, shall be the area of the larger separate sign face. The area of a sign composed of characters or words attached directly to a building or wall surface is the smallest rectangle which encloses the group.

Sign, electric means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

Sign, ground means a sign, other than a pole sign, that is supported in or upon the ground and not attached to any building or wall.

Sign, illuminated means any sign that is artificially lighted, by any direct, indirect, or internal light source.

Sign, pole means a sign that is supported by one or more uprights or braces in or upon the ground.

Sign, projecting means a sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

Sign, roof means a sign erected upon or above a roof or parapet of a building.

Sign structure means any structure which supports or is capable of supporting any sign as defined in this section. A sign structure may be a single pole and may or may not be an integral part of a building.

Sign, wall or fascia sign means any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of such wall.

Structure means a structure which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.

Sec. 26-251. Scope of division.

This division is intended to regulate the construction, erection, alteration, repair, and maintenance of all signs and sign structures in the city.

Sec. 26-252. Permits required, fees.

- (a) Except as provided in this division, it shall be unlawful for any person to erect, alter, relocate or maintain within the city any sign or sign structure, as defined in section 26-176, without first obtaining a permit issued by the zoning enforcement officer and making payment of the permit fee provided in this division.
- (b) A sign permit shall not be required for the following:
 - (1) Identification signs, as defined in chapter 134 of the city Code, not exceeding one square foot in area.
 - (2) Memorial signs on buildings, showing only the building's name and date of erection, when such sign is carved into or made an integral part of the exterior of the building or when such sign is constructed of bronze or other metal alloy and securely and permanently attached to such building.
 - (3) A sign that is painted on or attached to an operative self-propelled vehicle.
 - (4) Flags bearing only the official design or recognized symbol of a governmental entity, an educational institution, or a company or other organization.
 - (5) Traffic or other municipal signs such as legal notices, railroad crossings, danger and other emergency signs as may be approved by the enforcement authority.
 - (6) For the replacement of the removable display board or other removable display surface of a sign having a stationary framework or structure so designed that a display board or panel or other display surface may be inserted therein or attached thereto or removed whenever desired without unfastening or removing the stationary framework or structure from its supports.
 - (7) Private traffic direction signs directing traffic movement into a premises or within a premises, provided such signs do not exceed four square feet in area and are not illuminated.
 - (8) Horizontal directional signs painted on or installed flush with paved areas.
 - (9) Nonilluminated real estate signs with an area of six square feet or less.
- (c) The permit fee for every sign permit required by this division shall be in the amount set in the Schedule of Fees adopted by the city council by resolution.
- (d) Every sign, whether existing or erected, shall be classified by the zoning enforcement officer according to its type as a "combination," "ground," "pole,"

"projecting," "roof," "wall" or "fascia," or "marquee" sign.

- (e) If, within 30 days of the date of issuance, the holder of a sign permit decides not to commence the work described in such permit, he or she may, upon application to the zoning enforcement officer, be refunded that portion of the permit fee which is in excess of the sign permit refund fee set in the Schedule of Fees adopted by the city council by resolution.
- (f) Except in emergency situations, as determined by the senior zoning inspector, where work for which a sign permit is required by the building code is started or proceeded with by any person prior to obtaining a required permit, an additional investigation fee shall be charged in the amount set in the Schedule of Fees adopted by the city council by resolution. . The payment of such additional fee shall not relieve any person from fully complying with the requirements of the building code in the execution of the work nor from any other penalties prescribed in this article. No additional permits of any type shall be issued to any person who owes the city the additional fee described in this paragraph.

Sec. 26-253. Permit application; plans and specifications.

- (a) Application for a sign permit shall be made in writing upon forms furnished by the zoning enforcement officer. Such application shall contain the street address or legal description, as required, of the property upon which the sign is to be located, the name and address of the owner and the sign erector, and such other information as may be required by the zoning enforcement officer.
- (b) Two copies of plans and specifications shall be submitted when required with the application for each sign permit. Such plans shall show complete details, methods of attachment or support, location, and materials to be used. Computations, stress diagrams, and other data sufficient to show the correctness of the plans shall be submitted when required by the department of community development.

Sec. 26-254. Design.

- (a) *Generally.* General requirements for signs and sign structures shall be as follows:

- (1) Signs and sign structures shall be designed and constructed to resist wind and forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to overstress any of the elements thereof.
 - (2) The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead load resisting moment. Such earth shall be carefully placed and thoroughly compacted.
- (b) *Wind loads.* Wind loads shall comply with the following:
- (1) Signs and sign structures shall be designed and constructed to resist wind forces as specified in the International building code.
 - (2) In the absence of plans certified by an engineer registered in this state, simple pole or ground sign supports shall provide a section-modulus at the point of maximum bending equal to or greater than that obtained from the following formula:

S.M. - 0.0004615 Aspwhc

Where

S.M.	=	Section modulus
As	=	Area of sign face (square feet)
pw	=	Pressure of wind (lbs. per sq. ft.) as determined from table 23-F of the building code

hc	=	Height of distance (feet) of centroid of sign area from point of maximum bending
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- (c) *Combined loads.* Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind loads.
- (d) *Allowable stresses.* Allowable stresses shall be as follows:
 - (1) The design of wood, concrete, steel or aluminum members shall conform to the requirements of the International building code. Loads, both vertical and horizontal, exerted on the soil, shall not produce stresses exceeding those specified in the building code.
 - (2) The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.
 - (3) Working stresses for wind loads combined with dead loads may be increased as specified in the building code.

Sec. 26-255. Construction.

- (a) *Generally.* The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed, and erected in conformance with the requirements of the building code.
- (b) *Materials.* Materials of construction shall be as follows:
 - (1) Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the building code.
 - (2) In all signs and sign structures, the materials and details of construction shall, in the absence of specified requirements conform with the following:
 - a. Structural steel shall be of such quality as to conform with International Building. Secondary members in contact with or directly supporting the display surface may be formed of light gauge steel, provided such members are designed in accordance with the specifications of the design of light gauge steel as specified in Building Code and, in addition, shall be galvanized. Secondary members, when formed integrally with the display surface shall be not less than no. 24

gauge in thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be no. 12 gauge. The minimum thickness of hot-rolled steel members furnishing structural support for signs shall be one-fourth inch, except that if galvanized such members shall be not less than one-eighth inch thick. Steel pipes shall be of such quality as to conform with International Building Code Steel members may be connected with one galvanized bolt provided the connection is adequate to transfer the stresses in the members.

b. Anchors and supports when made of wood and embedded in the soil or within six inches of the soil shall be of all heartwood of a durable species or shall be pressure treated with an approved preservative. Such members shall be marked or branded by an approved agency.

c. *Restriction on combustible materials.*

- (1) All signs and structures erected in fire zone no. 1 shall have structural members of noncombustible materials. Ground signs may be constructed of any material meeting the requirements of the building code, except as provided in subsection (b) of this section.
 - (2) Roof signs, wall signs, projecting signs, and signs on marquees shall be constructed of noncombustible materials, except as provided in subsection (d) of this section. No combustible materials other than approved plastics shall be used in the construction of electric signs.
- (d) *Nonstructural trim.* Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics, or any combination thereof.
- (e) *Anchorage.*
- (1) Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frostline. Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and

size of the base will be adequate to resist the wind pressure specified in the building code. Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

- (2) No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except for signs attached to wood framing.
 - (3) No anchor or support of any sign shall be connected to or supported by an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in section 2312 of the building code.
 - (4) Adjustable turnbuckles shall be securely safetied to prevent movement.
- (f) *Display surfaces.* Display surfaces in all types of signs may be made of metal, glass, or approved plastics, except that glass shall not be used in any pole or projecting signs. Glass thickness and area limitations shall be as set forth in table no. 4-A in this section. Sections of approved plastics on wall signs shall not exceed 150 square feet in area. Exceptions:
- (1) In fire zone no. 3 the area may be increased by 50 percent.
 - (2) Sections of approved plastics on signs other than wall signs may be of unlimited area if approved by the building official.

TABLE NO. 4-A SIZE, THICKNESS AND TYPE OF GLASS PANELS IN SIGNS

Maximum Size of Exposed Glass Panel			
Any Dimension (in inches)	Area (in square inches)	Minimum Thickness of Glass (in inches)	Type of Glass
30	500	1/8	Plain, plate or wired
45	700	3/16	Plain, plate or wired

144	3,600	1/4	Plain, plate or wired
Over 144	Over 3,600	1/4	Wired glass

- (g) *Approved plastics.* The zoning enforcement officer shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, he or she may approve its use.
- (h) *Concealment of structural framework.* No structural framework of any sign shall be covered or concealed.
- (i) *Electrical wiring.* All signs containing electrical wiring shall be subject to all provisions of the electrical code.
- (j) *Maintenance and repair.* All signs, together with all of their supports, braces, guys, and anchors, shall be kept in repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.
- (k) *Name of erector and date of erection.* Every off-premises sign, as defined in chapter 134 of the city Code, and every sign which projects over any public right-of-way erected after the effective date of the ordinance from which chapter 134 of the city Code derives shall have painted or otherwise attached on the exterior of the sign the name of the sign erector and date of erection. Such name and date shall be of sufficient size and contrast to be easily read from a reasonable distance.

Sec. 26-256. Projection and clearance.

- (a) *Generally.* All types of signs shall conform to the clearance and projection requirements of this section.
- (b) *Clearance from high voltage power lines.* Signs shall be located not less than six feet horizontally or eight feet vertically from overhead electrical conductors which are energized in excess of 600 volts. The term "overhead conductors" as used in this subsection means any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in iron pipe or other material covering of equal strength.
- (c) *Clearance from fire escapes, exits or standpipes.* No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in

any way with the free use of any fire escape, exit, or standpipe.

- (d) *Obstruction of openings.* No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by the building code. Signs erected within five feet of an opening in an exterior wall shall be constructed of noncombustible material or approved plastics.
- (e) *Projection over alleys.* No sign or sign structure shall project into any public alley below a height of 14 feet above grade, nor project more than 18 inches when such sign is 14 feet to 18 feet above grade. The sign or sign structure may project not more than 36 inches into the public alley where the sign or sign structure is located more than 18 feet above grade.

Sec. 26-257. Pole signs.

- (a) Pole signs shall be constructed of noncombustible material except as provided in sections 26-181 and 26-182 of this division.
- (b) All supports of pole signs shall be placed upon private property and shall be securely built, constructed and erected to conform with requirements specified in sections 26-181 and 26-182 of this division.

Sec. 26-258. Ground signs.

- (a) Ground signs may be constructed of any material meeting the requirements of the building code, except as provided in sections 26-181 and 26-182 of this division.
- (b) Ground signs shall be designed in accordance with the requirements specified in section 26-181 of this division.
- (c) Ground signs may have display surfaces of combustible materials except in fire zone no. 1 with further exceptions as provided in section 26-181 of this division.

Sec. 26-259. Roof signs.

- (a) Roof signs shall be constructed of noncombustible materials, except as specified in sections 26-181 and 26-182 of this division.
- (b) Roof signs shall be thoroughly secured and anchored to the frame of the building over which they are constructed and erected, and shall be designed in accordance with the requirements specified in section 26-181 of this division.

- (c) Passage clear of all obstructions shall be left under or around and immediately adjacent to all signs exceeding a height of four feet above the roof thereunder. Such passages shall be not less than three feet wide and four feet high and shall be at parapet or roof level. There shall be one such passage or access opening as follows:
 - (1) For each roof sign upon a building.
 - (2) An access opening for every 50 lineal feet of horizontal roof sign extension.
 - (3) Within 20 feet of walls and parapets when roof signs are at right angles to a face of the building.

Sec. 26-260. Wall or fascia signs.

- (a) Wall signs in fire zones no. 1 and 2 shall be constructed of noncombustible material, except as provided in sections 26-181 and 26-182 of this division.
- (b) Wall signs shall be designed in accordance with the requirements specified in section 26-181 of this division.
- (c) When otherwise permitted, no wall sign shall have a projection over public property or beyond a legal setback line greater than the distances set forth in section 26-183 of this division.

Sec. 26-261. Projecting signs.

- (a) Projecting signs shall be constructed of noncombustible materials, except as specified in sections 26-181 and 26-182 of this division.
- (b) Projecting signs shall be designed in accordance with the requirements specified in section 26-181 of this division.
- (c) Subject to all other city regulations, the height of signs projecting over public property shall be determined by the clearance of the bottoms thereof above the level of the sidewalk or grade immediately below, as set forth in section 26-183 of this division.

Sec. 26-262. Marquees.

Signs may be placed on, attached to, or constructed in a theater marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and shall meet the requirements for a marquee as specified in the International building code.

Sec. 26-263. Billboard license and bond required.

Any person or any agent thereof, before erecting, constructing or maintaining any billboard in the city, must procure a billboard license and furnish a bond when so required by section 26-194 of this division. The billboard license fee shall be payable in advance in the amount set in the Schedule of Fees adopted by the city council by resolution.

Sec. 26-264. Sign erector's license required; to whom issued; classes; expiration; annual fee.

- (a) Every person erecting or installing signs for which permits are required by this division shall obtain a license to conduct such operations, except that the occupant of a premises may obtain a permit to erect or install a sign on the premises without a license if the sign is not electrical, does not exceed 15 square feet, does not exceed 50 pounds, and is attached flat against the side of a building or parapet wall.
- (b) The license to erect signs shall be known as a sign erector's license, of which there shall be three classes, as set out in this subsection, and shall be issued only to those persons who show sufficient knowledge and experience to satisfy the zoning enforcement officer as to their ability to erect signs of a size and weight allowed by the class of license for which they are applying in a safe and substantial manner in accordance with the provisions of this division. The three classes of license and the allowable size and weight of signs that may be erected thereunder shall be as follows:
 - (1) Class A. A class A license shall entitle the holder thereof to erect any sign or billboard that may be erected in accordance with the provisions of this division.
 - (2) Class B. A class B license shall entitle the holder thereof to erect any sign, but not a billboard, which does not exceed 75 square feet in area or 400 pounds in weight.
 - (3) Class C. A class C license shall entitle the holder thereof to erect any sign, but not a billboard or roof sign, which does not exceed 20 square feet in area or 150 pounds in weight.
- (c) All licenses shall expire on December 31 of each even-numbered year and may be renewed prior to expiration by payment of the license fee for the next biennial term. Any expired license may be renewed without examination within 30 days after the expiration date upon payment of the license fee plus a late renewal fee in the amount set in

the Schedule of Fees adopted by the city council by resolution. When more than 30 days have passed after the expiration date, no expired license shall be renewed except upon the recommendation of the zoning enforcement officer and payment of the license fee plus the late renewal fee.

- (d) The license fees for sign erector's licenses shall be in the amounts set in the Schedule of Fees adopted by the city council by resolution.

Sec. 26-265. Sign erector's license application; examination of qualifications of applicant; issuance.

Applications for sign erector's licenses shall be made to the zoning enforcement officer and shall contain the name and address of the proprietor, president or other senior officer in charge of the applicant's business and such other pertinent information as may be requested. The zoning enforcement officer shall examine the qualifications of each applicant and shall cause licenses to be issued to all those properly qualified after their bonds have been filed and approved by the legal department and license fees have been paid.

Sec. 26-266. Sign erector's bond.

- (a) Prior to the issuance of a sign erector's license, the person desiring such a license shall file with the zoning enforcement officer a good and sufficient bond running to the city, the penal sum of which shall be \$10,000.00 for a class A license, \$5,000.00 for a class B license, \$2,500.00 for a class C license, to indemnify, save and keep harmless the city from any and all costs, damages, or expenses of any kind whatsoever which may be suffered by the city or which it may be put to or which may accrue against it by charging to or recovering from the city from or because of the granting of permission to erect such signs or because of any acts or things done under or by authority of permission granted by the zoning enforcement officer to erect such signs in the city or because of the negligence, failure or refusal of any person to comply with all the sections of this division applicable to such signs.
- (b) At any time the bond of any sign erector is permitted to lapse, his or her license shall be automatically suspended and shall remain suspended until such sign erector again files a bond as required in this section.

Sec. 26-275. Scope of division.

Notwithstanding anything contained in this chapter and chapter 46 of the city Code, the provisions of this division also shall be part of the building code and fire prevention code requirements for the skywalk system and shall take precedence over anything in conflict with this division.

Sec. 26-276. Definitions.

The definitions for the terms "skywalk system," "skywalk corridor" and "skywalk bridge" as used in this division shall be the same as in article IV of chapter 102 of the city Code.

Sec. 26-277. Exit requirements from skywalk system.

- (a) There must be two means of egress, as described in this section, from any point in the skywalk system during the hours that the portion of such skywalk system including such point is open in accordance with article IV of chapter 102 of the city Code.
- (b) In addition to those exits defined in chapter 10 of the International Building Code, any fire door assemblies in a skywalk bridge may constitute an exit from the skywalk system within the meaning of such chapter 10, provided that there is a continuous and unobstructed means of egress from such fire doors assemblies in the direction of exit to a public way on the ground level and provided, further, that such means of egress may include passage through one or more skywalk bridges, one or more skywalk corridors, or portions of one or more buildings, and such skywalk bridges, skywalk corridors or portions of buildings need not satisfy the requirements for corridors or exit passageways contained in such chapter 10.
- (c) Doors or other barriers may be locked so as to block passage through a portion of the skywalk system during the hours such portion of the skywalk system is not required to be open in accordance with article IV chapter 102 of the city Code. Any such door or other barrier equipped with a locking device shall have a readily visible, durable sign on or adjacent to the door or other barrier stating "this door to remain unlocked during skywalk system hours." The sign shall be in letters not less than one inch high on a contrasting background.
- (d) When a portion of the system is closed, the portion of the skywalk system that is open shall be so arranged that it is possible to go in either direction from any point in the

system to an exit, except for dead ends not exceeding 20 feet in length within a building, or 50 feet in length within a sprinklered building.

Sec. 26-278. Materials of construction for skywalk bridges and corridors.

- (a) The materials of construction for skywalk bridges and skywalk corridors between buildings shall be noncombustible.
- (b) The materials of construction for skywalk corridors exterior to and structurally supported by any building, as defined in subsections 26-225(1) and (2), shall be as required by the most restrictive type of construction for the building.

Sec. 26-279. Protection of openings onto the skywalk system which are located within 25 feet of property line.

Notwithstanding anything to the contrary contained in the International Building Code, openings onto the skywalk system which are located within 25 feet of the property line shall be protected as follows:

- (1) If two buildings are joined by a skywalk corridor constructed between such buildings:

- a. The centerline of the skywalk corridor easement shall be deemed the property line, and no opening shall be permitted in any wall of such skywalk corridor which is less than seven feet from the property line;
- b. Such skywalk corridor shall be protected by an approved automatic sprinkler system;
- c. Any wall of the skywalk corridor which is less than seven feet from the adjacent property line shall be of at least two-hour fire resistive construction; and
- d. Any openings in the skywalk corridor walls shall be either:
 - 1. Of approved wired glass set in metal frames in accordance with the International Building Code, provided a draft curtain of at least one-hour fire resistive construction and not less than 12 inches in height shall be provided to protect the skywalk corridor from the adjacent building area, which draft curtain shall be located above the glass and extend a minimum of 12

inches below the lowest finished ceiling of either such adjacent building area or the skywalk corridor, or, if the finished ceiling is not a fire-rated assembly, the draft curtain shall extend from the wire glass to a rated ceiling or floor assembly; or

2. Protected in the following manner:

- i. The adjacent building area onto which such opening occurs is protected by an approved automatic sprinkler system;
- ii. A draft curtain of at least one-hour fire resistive construction and not less than 12 inches in height and including an approved water curtain of sprinkler heads six feet on center immediately adjacent to such draft curtain and above the opening within the building area shall be provided to protect the skywalk corridor from the adjacent building area, which draft curtain shall be located above the opening and shall extend a minimum of 12 inches below the lowest finished ceiling area of either such adjacent building area or the skywalk corridor or, if such finished ceiling is not a fire-rated assembly, the draft curtain shall extend from the opening to a rated ceiling or floor assembly; and
- iii. Either (i) the ceiling, walls and floor of the adjacent building area onto which such opening occurs shall be separated from the rest of such building by at least two-hour fire resistive construction and all duct penetrations in such building area shall be protected with fire dampers in accordance the International Building Code, or (ii) the entire story is protected by an approved automatic sprinkler.

- (2) If a skywalk corridor is constructed exterior to and attached to any one building, but is not between two or more buildings, and such skywalk corridor extends over the adjacent property line related to such building:

- a. The centerline of the skywalk corridor easement shall be deemed the property line, and no opening shall be permitted in any wall of such skywalk corridor which is less than seven feet from the property line; and
- b.
 - 1. If the adjacent building is protected or is required to be protected by an approved automatic sprinkler system, such skywalk corridor shall be protected by an approved automatic sprinkler system; or
 - 2. If the adjacent building does not have and is not required to be protected by an approved automatic sprinkler system, such skywalk corridor need not be provided with an approved automatic sprinkler system at the time of construction, provided that the property owners and/or lessees who are responsible for such skywalk corridor under a skywalk agreement with the city shall also agree in such skywalk agreement to provide an approved automatic sprinkler system if a second building is constructed within ten feet of such skywalk corridor; and
- c. Any wall of the skywalk corridor which is less than seven feet from the adjacent property line shall be of at least two-hour fire resistive construction;
- d. Any openings from such skywalk corridor into the adjacent building shall be in accordance with subsection (1)d of this section; and
- e. Any windows in the wall of such skywalk corridor opposite the building to which it is adjacent either:
 - 1. Shall be of approved wired glass set in metal frames in accordance with section 4306 of the Uniform Building Code; or
 - 2. May be of other glass, provided that the property owners and/or lessees who are responsible for such skywalk corridor under a skywalk agreement with the city shall also agree in such skywalk agreement to:
 - i. Replace such glass with approved wired glass set in metal frames in accordance with the International Building Code if any building subsequently is constructed which is within ten feet,

but not attached to, such skywalk corridor wall; and

- ii. Pay the equivalent of the cost of providing such approved wired glass towards the cost of reconstructing all openings in such skywalk corridor wall in accordance with subsection (1)d of this section if any building subsequently is constructed which is attached to such skywalk corridor wall.

(3) Two buildings may be joined by a wall opening, provided:

- a. The wall opening shall be protected by a fire assembly having at least a 1 1/2-hour fire protection rating; or
- b. The wall opening may be unprotected if the entire building on both sides of wall opening are protected by an approved automatic sprinkler system; and
- c. In either case, there is a draft curtain of at least two-hour fire resistive construction and not less than 12 inches in height, which draft curtain shall be located above the opening and shall extend a minimum of 12 inches below the lowest finished ceiling on either side of the wall opening, or, if the finished ceiling is not a fire-rated assembly on either side, the draft curtain shall extend from the opening to a rated ceiling or floor assembly on such side of the opening.

(4) If two buildings are connected by a skywalk bridge:

- a. If such skywalk bridge is not connected to a skywalk corridor which is exterior to any building to which such skywalk bridge is connected, it shall be sufficient if the opening at one end of such skywalk bridge is protected by approved fire assemblies having at least a 1 1/2-hour fire protection rating with gasketed frames, and the remaining construction where such end of the skywalk bridge penetrates the adjacent building is of at least two-hour fire rating construction; or
- b. If such skywalk bridge is connected to a skywalk corridor which is exterior to any building to which such skywalk bridge is connected, all openings from such skywalk bridge into the

adjacent buildings shall conform to the requirements of subsection (1) of this section.

DIVISION 5. SWIMMING POOLS, SPAS AND
WATER RECREATIONAL FACILITIES

Sec. 26-280. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Swimming pool, for purposes of enclosure requirements of this Code, means any body of water which has a depth of 18 inches or more in an artificial or semiartificial receptacle.

Wading pool means a swimming pool that is a permanent artificial basin of water no more than 18 inches deep at any point, which is primarily intended for use by young children under the age of 12 for general recreation or training.

Sec. 26-281. Permit required.

No person shall construct a swimming pool or any alteration, addition, remodeling, or other improvement to such pool, without a permit, nor shall any person maintain such pool contrary to this article.

Sec. 26-282. Application for permit.

A person seeking a permit required by this division shall make application to the office of the building official for such permit. The plans and specifications and plot plan, as well as other pertinent explanatory data, shall be submitted with each application.

Sec. 26-283. Issuance of permit.

If the plans, specifications, and plot plan meet the requirements of this article and a permit fee as provided for in the Schedule of Fees is paid, the building official shall issue a building permit.

Sec. 26-284. Design requirements.

- (a) *Material*. The material used for lining swimming pools shall be one which is light in color, which is impervious, and

which will provide a tight tank with smooth and easily cleaned surfaces. Sand or dirt bottoms are prohibited.

- (b) *Plumbing.* All cross connections between the city water supply or the sewer system and the plumbing of a swimming pool shall be constructed in accordance with the city plumbing code.

Sec. 26-285. Enclosure of facilities.

- (a) *In-ground facilities.* In-ground swimming and water recreational facilities shall be enclosed as follows:
- (1) Except for fill and drain wading pools, swimming pools, spas and other related facilities shall be protected by a fence, wall, building, enclosure or solid wall made of durable material not less than five feet high having a maximum vertical clearance to grade of two inches.
 - (2) Vertical board fences shall have a maximum edge to edge spacing of three-fourths of an inch between the boards. Horizontal nailing boards on rails shall be 45 inches apart. When boards are placed in other than a vertical position, there shall be no space between them.
 - (3) Chainlink fences shall have a maximum opening between the links of 2 3/8 inches as measured diagonally. Support posts shall be firmly implanted in the ground and shall be spaced not more than ten feet apart.
 - (4) Wrought iron style fencing shall have a maximum spacing of four inches between the vertical rails and a minimum spacing of 45 inches between the horizontal rails. No ornamental devices shall be placed between the vertical rails that could act as a foothold.
 - (5) Access gates shall comply with the requirements of subsections (a)(1), (2), (3), and (4) of this section and shall be self-closing and shall have a self-latching device located on the facility side of the gate. Secondary access gates need not be self-closing and self-latching if they are kept locked.
 - (6) All horizontal supports shall be on the pool side of the barriers. Barriers shall be constructed so as not to provide external footholds.
 - (7) For purposes of this section, and after the effective date of the ordinance from which this section derives, no part of a facility shall be constructed within four feet of a property line, other wall, other fence, or other structure.

- (8) All required elements of a swimming pool enclosure shall be completed and the enclosure approved by the city at the point in time that a swimming pool receptacle shall be capable of holding 18 inches of water or more. If the owner or occupant of the property fails to adequately complete the pool enclosure at such time, the pool receptacle shall be dismantled or rendered incapable of holding water if an aboveground pool or completely drained and covered if an in-ground pool. The pool receptacle shall not be made capable of holding water and shall remain covered if so ordered until such time as the enclosure is approved by the city.
- (9) All facilities with indoor pools and spas which have a secured entry to the facility shall be considered to have met the requirements of subsections (a)(1) through (8) of this section.
 - (10) In the absence of an imminent hazard, the environmental health officer may grant an extension of time for compliance with this subsection.
 - (11) All facility enclosures which were in use and which were legally acceptable prior to the effective date of the ordinance from which this section derives shall continue to be deemed as acceptable; provided, however, that no alterations or changes can be made which would diminish the level of protection afforded by the fence or barrier.
- (b) *Aboveground facilities.* In lieu of subsection (a) of this section, facilities manufactured and approved for installation above ground shall be installed in accordance with the following criteria:
 - (1) When not in conflict with this subsection, aboveground facilities shall be installed in accordance with the manufacturer's recommendations.
 - (2) Enclosure of an aboveground facility shall meet the same requirements set forth in subsection (a) of this section for in-ground facilities. For the purpose of satisfying these requirements, a fence or wall at least five feet above any adjoining grade, located within four feet of the facility enclosure, may be used in combination with the vertical water enclosing wall of the facility to provide the required degree of security.
 - (3) Steps, ladders, ramps, or any other device affording access to the facility shall be constructed in a manner that will afford the same degree of security

against unauthorized access as that prescribed for the facility enclosure.

- (4) For the purpose of this subsection and after the effective date of the ordinance from which this section derives, no part of a facility or deck connected thereto shall be constructed within four feet of a property line.
- (c) Covers. The enclosure requirements of this section may be satisfied for outdoor facilities with a water surface area of not greater than 60 square feet by equipping the facility with a rigid cover capable of supporting at least 200 pounds and which, when not in actual use, shall be securely locked so as to render the facility inaccessible.

Sec. 26-286. Applicability; certificate of occupancy.

- (a) The requirement to enclose a facility and provide for a gate or door as provided in division 1 of this article shall be applicable to public facilities constructed before the effective date of the ordinance from which this section derives but which did not provide for such enclosure and entryways.
- (b) No person shall maintain or use a public facility unless a certificate of occupancy has been issued as provided for in the building code adopted by this chapter.

Sec. 26-287. Enforcement.

In addition to any other remedies available under this chapter, a violation of any of the sections of this division may be grounds for temporary closing of the operation of the facility. The facility shall be reopened only with the approval of the building official upon a showing of compliance with the section of this article that has been violated.

ARTICLE III. ELECTRICAL CODE*

DIVISION 1. GENERALLY

Sec. 26-300. Adoption of The National Electrical Code.

- (a) This article shall consist of the National Electrical Code, 2005 edition, published by the National Fire Protection Association, commonly known as and referred to in this article as the "National Electrical Code" or "NEC" a copy of which is on file in the office of the city clerk, which National Electrical Code is incorporated by this reference

in its entirety, except as otherwise indicated in this article.

- (b) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the electrical code. References to section numbers not preceded by "26-" will be to sections in the National Electrical Code.

Sec. 26-301. Amendments and additions.

The remaining sections in this article are and represent amendments and additions to the requirements contained in the National Electrical Code. In the event there are requirements that conflict with the NEC, the requirements of this article shall prevail.

Sec. 26-302. Scope.

- (a) The provisions of this article shall apply to the following:
 - (1) The electrical conductors and equipment installed within or on public and private buildings and other premises.
 - (2) The conductors that connect the installations to a supply of electricity, and other outside conductors adjacent to the premises.
 - (3) Mobile homes.
- (b) Additions to, alterations of, and repairs to existing electrical equipment shall comply with the electrical code. Furthermore, existing electrical equipment that is temporarily exposed or made accessible because of any remodeling or repair of an existing structure, shall be made to comply with the electrical code. In any event, the building official may, when any additions, alterations, or repairs are made, order other reasonable additions or alterations in the electrical equipment of a structure or on any premises when a danger to life or property may result if such other additions or alterations were not made.
- (c) Installations which were in compliance with the electrical code in existence at the time such installations were made shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property.
- (d) If the classification of a building has been changed due to a change in occupancy, the wiring in the entire building shall comply with all the electrical standards applicable

to the new classification. If the occupancy of a building has been changed to a mixed occupancy, with the required fire separation between the mixed occupancy, each occupancy shall comply with its own particular classification and shall be wired in compliance with the electrical standards of its particular classification.

- (e) No Permit or inspections are required for electrical wiring of 50 volts or less.
- (f) The provisions of section 26-267, sections 26-339 through 26-345 and sections 26-371 through 26-396, inclusive, of this article shall not apply in any respect to persons who are licensed by law to engage in the business of supplying and distributing electricity or the transmission of communication, when the person is installing, operating or maintaining electrical equipment or doing electrical work as an integral part of such business.

Sec. 26-303. Applicability to moved buildings.

Buildings or structures moved into the city shall comply with the provisions of the electrical code as set forth in the City of Des Moines Electrical update requirement policy promulgated by the building official

Sec. 26-304. Separation of services and circuits from communications conductors.

- (a) All service entrances in and upon buildings and structures within the city shall be of the class known as "rigid metal conduit or electrical metallic tubing," except as provided in this section.
- (b) Underground service entrances for all buildings except in single-family, two-family, and row dwellings shall be of moisture resistant wire installed in rigid metal conduit or approved non-metallic raceway such as schedule 40 polyvinylchloride or its equivalent.
- (c) Other provisions of this section to the contrary notwithstanding, that portion of an underground service lateral that is installed by an electrical contractor, but is owned and maintained by a business licensed by law to engage in the business of supplying and distributing electricity, may be of a type used by such a business for such an installation.
- (d) All direct burial cable used by the utility company for the purpose of distributing electrical current within the city, shall be placed and located in the ground a minimum depth of 30" below the proposed final grade. No separation shall

be required between electrical conductors and communications conductors when laid in a common trench.

- (e) Underground service entrance risers, to the meter, may be schedule 40 PVC, when not subject to physical damage.

Sec. 26-305. Commercial Kitchen Receptacles

Notwithstanding provisions of NEC Section 210.8, single receptacles that are not readily accessible and are supplied from a dedicated branch circuits for kitchen equipment and for electric snow melting or deicing equipment shall be permitted to be installed in accordance with the applicable provisions of Article 426.

Sec. 26-306. Conformity with standards.

Conformity with the standards of the Underwriters' Laboratories, Incorporated, as approved by the American National Standards Institute shall be evidence of conformity with approved standards for electrical equipment.

DIVISION 2 LICENSES, CERTIFICATES AND PERMITS

Sec. 26-320. Electrical contractor's license.

- (a) Licensed electrical contractors shall comply with the following:

- (1) The owner, if a sole proprietorship, or one active manager of electrical operations, if any other form of business organization, shall hold a master electrician's certificate of competency before such person may be granted an electrical contractor's license. The license issued shall recite the name of the person holding the master electrician's certificate of competency and the name of the firm or business.

The electrical contractor's license shall be automatically revoked if the person named therein ceases to hold a master electrician's certificate of competency or ceases to actively manage the electrical operations conducted under the electrical contractor's license. If a firm's or business's master electrician ceases to be the active manager of the electrical operations of the firm or business, such firm or business shall not be permitted to do any further electrical work, except that work authorized by

previously issued permits may, at the discretion of the building official, be continued and finished.

A master electrician who terminates his or her association with a business entity or who is terminated by the business entity shall notify the building official of such termination. No person holding a master electrician's certificate of competency may be named as the responsible master electrician for the licensing of more than one firm, or business or other such business entity.

- (2) Prior to the issuance or renewal of any electrical contractor's license, approved bonds, required by section 26-174, must be on file in the office of the building official.
 - (3) A contractor shall provide evidence that he or she is registered as a contractor with the State Department of Labor.
- (b) Nothing contained in this section shall be deemed to exclude the performance of maintenance work by electrical contractors.
- (c) Exceptions. The provisions of this section shall not apply to the following:
- (1) The electrical work of a public utility company, telephone, or telegraph company, nor the persons performing electrical work for such companies, if that electrical work is an integral part of the plant used by such public utility company or telephone or telegraph company in rendering its duly authorized service to the public.
 - (2) A regular employee of any railroad who does electrical work only as part of that employment.
 - (3) The service or maintenance of comfort heating equipment by any person who is licensed as a comfort heating contractor under the provisions of article V of this chapter of the city Code, provided that such service or maintenance shall include electrical work only on electrical equipment that is part of comfort heating equipment. This work shall include the connection of the comfort heating equipment to an existing individual branch circuit.
 - (4) The electrical work performed in or on city-owned buildings or equipment when such work is performed by regular city employees who are classified as electricians in the city's position classification plan.
 - (5) The work performed on traffic signals or streetlights by an employee of a contractor qualified according to

the standard specifications of the state department of transportation and acting pursuant to a contract of the city or the state that is included in a jointly approved project agreement.

Sec. 26-321. Master electrician's certificate of competency.

- (a) To obtain a master electrician's certificate of competency a person shall meet the following conditions:
 - (1) He or she shall successfully pass a master electrician's examination administered and/or approved by the licensing and appeals board.
 - (2) He or she must have been certified by the city, or any other approved jurisdiction, as a journeyman electrician for a period of two years and been actively engaged in the electrical trade during that period, unless exempt under subsection 26-322(a)(2).
- (b) Exceptions. The requirements to obtain a master electrician's certificate of competency may be waived for individuals qualifying under the following exceptions:
 - (1) Holders of electrical contractor's licenses granted by the city prior to date of the ordinance from which this subsection derives shall be issued a master electrician's certificate of competency.
 - (2) A master electrician's certificate of competency may be issued without examination, as required by subsection (a)(1) of this section, for any person holding a similar certificate or license if so denoted from another municipal corporation in this state that is recognized by the licensing and appeals board as having similar certification standards.

Sec. 26-322. Journeyman electrician's certificate of competency.

- (a) No person, except apprentices, shall engage in the work or practice the trade of installing, altering, maintaining, or repairing any electrical equipment within the scope of the electrical code without first obtaining a journeyman's certificate of competency through examination and meeting one or more of the following minimum requirements:
 - (1) Four years of working as an apprentice, as specified in section 26-323, under the direct supervision of an individual holding either a master or journeyman electrician's certificate of competency.
 - (2) Completion of a minimum of 60 credit hours of post secondary training in the electrical field, from an accredited educational institution or trade school and

being employed full time for a period of two years with an electrical contractor, under a master or journeyman's direct supervision. The educational training may not occur simultaneously.

- (b) Exceptions. All or part of the requirements, specified in subsection (a) of this section, may be waived for individuals qualifying under the following exceptions:
- (1) Persons holding a master electrician's certificate of competency are not required to hold a journeyman electrician's certificate of competency.
 - (2) Persons who present evidence of having taken a journeyman level examination, and receiving a successful score, similar in content and difficulty to the examinations required under this code, may receive a journeyman electrician's certificate of competency without any further examination. This exception shall be reviewed and granted only by the licensing and appeals board.

Sec. 26-323. Apprentice electricians.

- (a) The term "apprentice" shall include any person who is involved or assisting in the installation of electrical systems or equipment, including individuals serving as trainees, helpers, or individuals that are participating in an established apprentice training program. Apprentice electricians shall work under the direct supervision and control of an individual holding a master or journeyman electrician's certificate of competency.
- (b) No person shall engage in the work of an apprentice without first obtaining an apprentice license.
- (c) No electrical contractor shall employ any apprentice, for work with the city, who is not licensed as required by subsection (b) of this section, and no electrical contractor shall employ more than two apprentices for each individual, permanently employed by the contractor, as a journeyman or master electrician. This ratio shall apply to every permitted job with the city.
- (d) An apprentice may not maintain an inactive license.

Sec. 26-324. Residential wireman

- (a) The term residential wireman shall include any person performing work on single or multi-family dwellings that do not exceed three stories in height above grade. Residential wireman shall work under the direct supervision

and control of an individual holding a master or journeyman electrician's certificate of competency.

- (b) No person shall perform residential electrical work without first obtaining a residential wiremen's certificate of competency.
- (c) To obtain a residential wiremen's certificate of competency a person shall meet the following conditions:
 - (1) Successfully pass a residential wireman's examination that has been approved by the Licensing and Appeals Board.
 - (2) He or she must have been actively engaged in the electrical trade under the direct supervision of a certified master or a certified journeyman electrician for a period of not less than (2) two years.

Sec. 26-325. Sign wireman's certificate required.

Any person who is licensed as a sign erector under this chapter and who has satisfied the licensing and appeals board as to the person's qualifications with respect to the installation of electrical equipment in or upon signs shall be entitled to obtain a sign wireman's certificate. This certificate shall authorize the holder to obtain an electrical permit to install on the exterior of any building or structure electrical sign equipment, provided that no more than ten feet of exterior circuitry shall be so installed by the holder. For purposes of this section, any person who holds an electrical contractor's license shall not be required to obtain a sign wireman's certificate.

Sec. 26-326. Inactive status of sign wireman's certificate.

No inactive sign wireman's certificate shall be issued.

Sec. 26-327. Sign wireman's bond.

To ensure the collection of inspection fees and the rectification of defective work, the holder of a sign wireman's certificate shall file with the city treasurer a cash bond in the sum of \$100.00 or a certificate of deposit in a like amount payable to the city by a bank doing business in the state. Such cash bond or certificate of deposit shall be deposited before the holder actively engages in the installation, repair, or replacement of electrical signs, and it shall remain on deposit for 90 days after the expiration or surrender of the license. Upon the death of the holder, the treasurer may, upon approval of the licensing and appeals board and the building official,

release such bond or certificate of deposit before the expiration of 90 days. A letter of request must be submitted to the building official for release of the bond or certificate of deposit.

Sec. 26-328. Regulations governing sign wiremen.

Except as specifically provided in this article, the regulations governing sign wiremen shall be the same as described for electrical contractors.

Sec. 26-329. Maintenance electrician's certificate.

- (a) A maintenance electrician's certificate shall be required of any regular employee of a manufacturing or industrial establishment who does electrical work for that establishment only, and who maintains and keeps in a state of repair the existing electrical equipment within a building or group of buildings. A maintenance electrician's certificate shall be issued to any person who shall satisfactorily pass the examination given by the licensing and appeals board. Any person holding a maintenance electrician's certificate issued by the city prior to passage of the ordinance from which this article derives shall be reissued renewals of his or her certificate without taking the examination provided for in this article.
- (b) The installation of any new or additional electrical equipment of any kind by the holder of a maintenance electrician's certificate is prohibited.

Sec. 26-330. Certain engineers exempted from obtaining maintenance electrician's certificate.

First and second class engineers, as provided for in article VII of this chapter of the city Code or revisions thereof, shall be permitted to do work under the provisions of section 26-329 of this division without the examination, license, and fee required by this article.

Sec. 26-331. Type M permit issuance and restrictions and record of work.

- (a) Before any maintenance electrical work is performed by a maintenance electrician under the provisions of section 26-329 of this division, an electrical permit shall be obtained from the electrical inspection section of the

building safety division by the person owning or controlling the building or group of buildings in which the maintenance electrical work is to be performed. This shall be known as a type M permit and shall be valid for one year from the date of issuance.

- (b) The name of the person holding a maintenance electrician's certificate and performing work as provided in this section shall be filed with the electrical inspection section, and if a change is made the new name shall be filed. Each maintenance electrician performing work under the permit required by this section shall keep an accurate record for the electrical inspector of all work performed in each building and shall, in January 1, April 1, July 1 and October 1 of each year, file a statement of the work performed during the preceding three months in such building, which statement shall be made under oath.

ARTICLE IV. MECHANICAL CODE

Division 1. Generally

Sec. 26-400. Adoption of International Mechanical Code and International Fuel Gas Code.

- (a) This article shall consist of the International Mechanical Code ("IMC") and International Fuel Gas Code ("IFGC"), 2003 edition, published jointly by the International Code Council, which volumes are incorporated by this reference in their entirety, except as otherwise indicated in this article.
- (b) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the mechanical code. References to section numbers not preceded by "26-" will be to sections in the International Mechanical Code and International Fuel Gas Code.

Sec. 26-401. Deletions.

The following sections appearing in both the IMC and IFGC are deleted from the mechanical code and are of no force or effect in this article:

- (1) Section 103
- (2) Section 109
- (3) Section 907
- (4) Subsection 106.5
- (5) Subsection 301.2

Sec. 26-402. Amendments and additions.

The remaining sections in this article are and represent amendments and additions to the requirements contained in the International Mechanical Code and the Fuel Gas Code. In the event there are requirements that conflict with these codes, the requirements of this article shall prevail.

Sec. 26-403. Inspection and testing procedure.

- (a) Notwithstanding the provisions of section 107, the building official may prescribe an equivalent testing and inspection procedure and approve any recognized alternate test that will ensure the detection of fuel gas leaks under pressure conditions specified by the building official.
- (b) Regardless of the procedure used, each pressure test shall be performed and certified to by one of the following persons:
 - (1) The person installing the system or portion thereof to be tested;
 - (2) A representative of the public utility or gas supply company providing gas service to the system to be tested; or
 - (3) Any other person approved by the building official.
- (c) The certification shall state the following:
 - (1) The date of the test;
 - (2) The name of the person performing the test;
 - (3) The name of the firm employing such person;
 - (4) A statement identifying the test procedure used; and
 - (5) A statement that the tested system successfully passed the test.
- (d) The certification shall be made on a tag supplied by the building official and shall be attached to the end of the piping which is nearest the gas meter location. Gas meters shall be installed in locations as approved by the gas utility consistent with applicable sections of the mechanical code, subject to approval by the building official.

Sec. 26-404. Replacement or upgrade of existing equipment.

Replacement or upgrade of existing equipment shall be subject to the provisions of IMC section 403.2.1.

Sec. 26-430. Contractor's license classification, exceptions.

- (a) *Classification.* Contractors' licenses shall be classified in accordance with the type of equipment to be installed, altered, or repaired by the licensee. No license holder shall engage in work which is not included under the classification for which he or she holds a license. Classes of licenses and the corresponding scope of work authorized thereby shall be as follows:
- (1) *Class A, mechanical contractor (unrestricted).* Holders of this license may obtain permits for any of the work or equipment regulated by the mechanical code and chapters 10-24 of the IRC. This license shall be available only to the following:
 - a. Any person who has qualified for a class B, class C, and class D license; or
 - b. Any firm or business in which the active managers wish to combine their respective class B, class C, and class D licenses for the purpose of obtaining a class A license for such firm or business, in which case each manager must maintain his or her respective individual license simultaneously with the firm's or business' class A license. The class A license shall be issued in the name of the firm or business and each of the holders of the class B, class C, and class D licenses. All permit applications shall be made by one of the managers so named.
 - (2) *Class B, comfort heating contractor.* Holders of this license may obtain permits for any of the work or equipment regulated under IMC chapters 4 through 9, 12-14 inclusive, and sections 1002.1-1002.3 , all in the and IRC chapters 10, 12-19 and 21-24. For purposes of this subsection, the term "comfort heating" shall be deemed to include "comfort cooling."
 - (3) *Class C, refrigeration contractor.* Holders of this license may obtain permits for any of the work or equipment regulated under IMC chapter 11 and IRC chapters 13, 17, and 24; and sections M1404, M1411 - M1413 and M2104.
 - (4) *Class D, boiler contractor.* Holders of this license may obtain permits for any of the work or equipment regulated under IMC chapters 7, 8, 10 and 12 and IRC chapters 13, 17, 18, 20, 21, 22, and 24.
 - (5) *Class E, special appliance contractor.* Holders of this license or a class A, B or D license may obtain permits for any work or equipment regulated under IMC

chapters 7, 8, and 9 and IRC chapters 10, 13, 17, and 18 for the installation of solid fuel burning appliances, such as manufactured stoves and fireplaces. All installations shall be in accordance with appliance listings, manufacturer's recommendations, and applicable requirements of the mechanical code. The homeowner's exemptions contained in section 26-141 of this division shall apply to this class of work.

- (b) A contractor's license is not required for the following:
- (1) Any public utility or gas supply company that is regularly engaged in the business of supplying gas service to the public shall be permitted to perform the following services without holding any of the licenses otherwise required in this article:
 - a. Make minor repairs to or adjustments on gas appliances or equipment.
 - b. Install gas piping and fittings incidental to the installation or relocation of gas meters and domestic gas appliances such as kitchen appliances, clothes dryers, and incinerators.
 - (2) Any person holding a current plumbing contractor's license may obtain permits for the installation or repair of gas piping, boilers, and water heaters without holding any of the licenses prescribed in this article.
 - (3) A mechanical contractor's license shall not be required for the repair and maintenance of HVAC facilities in city-owned buildings when the work is performed by a regular city employee who has qualified for the authorized class of contractor as specified in subsection (b) for the type of repair or maintenance activity intended. Any person working under the provisions of this subsection shall obtain the required mechanical permits and inspections.
 - (4) A mechanical contractor's license shall not be required for installing, altering, or relocating incinerators or cooling towers.

Sec. 26-431. Contractor's bond.

- (a) Prior to the issuance or renewal of any mechanical contractor's license, the applicant shall file with the office of the building official a bond running to the city in the sum of \$10,000.00 for a class A mechanical contractor's license, and \$5,000.00 for each of the other classes of licenses, to be approved by the building

official and by the city legal department, to save the city harmless on account of any and all failures on the part of such applicant to comply in all particulars with the provisions of the mechanical code and all other applicable laws and ordinances, rules and regulations relating to the work for which a permit has been issued and to ensure the rectification of defective work to the satisfaction of the senior mechanical inspector.

- (b) To ensure the collection of permit fees and the rectification of defective work, the applicant shall in addition to filing the bond required before the license is issued file with the treasurer for each license applied for a cash bond in the sum of \$100.00 or a certificate of deposit in a like amount made payable to the city by a bank doing business in the state. Such cash bond or certificate of deposit shall remain on deposit with the city for 90 days after the expiration or surrender of the license. Upon the death of the licensee, the treasurer may, upon approval of the licensing and appeals board and the building official, release the bond or certificate of deposit before the expiration of 90 days. A letter of request must be submitted to the building official for release of the bond or certificate of deposit.

Sec. 26-432. Permit exemptions.

The following are also excluded from the permit requirements of IMC section 301:

- (a) Any unit refrigerating system of three horsepower or less, including those systems sold or used as window air conditioners and recognized as such by the building official and of less than three-ton capacity. In no case shall this permit exemption be construed to include refrigerators and/or freezers used as storage or serving units for food or other refrigerated items to be served or stored for use by the general public in hospitals, schools, food markets, nursing homes or any public or semipublic occupancy.
- (b) Minor repair, cleaning, adjustment, or replacement of minor parts of any heating, ventilating, cooling, or refrigeration equipment where the total cost of the work does not exceed \$100.00. This exemption shall be deemed to include adjustments by a gas supplier in a gas piping system due to the exchange or relocation of a gas meter.

Sec. 26-433. Definition.

The term "portable" as set forth in section 106.2 shall mean that which may be easily and/or readily carried or transported by hand from place to place without tools or aid of devices.

DIVISION 3. STEAM OR POWER GENERATING EQUIPMENT

Sec. 26-450. Exemptions from article.

This division shall not apply to state-inspected boilers, to locomotives of common carriers, to mines and mining, to agricultural machinery, to any apparatus subject to the inspection laws of the United States to miniature boilers used exclusively for process steam, or to any boiler or other steam generating apparatus not in excess of nine nominal horsepower when the safety valve is set to release at 15 pounds or less. For the purpose of this division, ten square feet of heating surface shall be taken as one nominal horsepower.

Sec. 26-451. Operator's report.

Any person owning, using or controlling the use of any engine, boiler or other apparatus coming under this division shall furnish annually to the mechanical section of the building safety division, at such time and in such form as shall be required by the board of power engineer examiners, a complete physical description and record of all such engines, boilers, or other apparatus and a complete roster of all employees engaged in any capacity in its operation, control or management. This roster shall include the name, residence address and license number of each person so engaged and shall be kept up to date by notice to the department within five days when the name of any person is removed or added.

Sec. 26-452. Board of power engineer examiners created.

- (a) There is created and established a board of power engineer examiners, referred to in this division as the "board of examiners."
- (b) The board of examiners shall be composed of eight members.
- (c) Seven members of the board of examiners shall be appointed. Each council member may recommend candidates for one position on the board. The building official shall be an ex officio member. A majority of those appointed and serving on the board shall constitute a quorum for the conduct of business.

- (d) Each appointee of the board of examiners shall be the holder of a first class engineer's license in the city and shall not be interested, directly or indirectly, in the sale or agency of any equipment, apparatus, or service that could be construed in any manner as affecting his or her impartial judgment as contemplated in this division.
- (e) All appointments to membership on the board of examiners shall be made for a period of three years.

Sec. 26-453. Powers and duties of board of examiners.

- (a) The board of examiners shall hold regular stated meetings at least once monthly for the purpose of examining into and determining the qualifications of applicants for license as engineers or firemen and shall make and post such rules and regulations not inconsistent with this article, other provisions of this Code or state statutes as shall be necessary and proper for carrying into effect the provisions relative to examinations and hearings.
- (b) The board of examiners shall have the power to issue licenses, as provided for in this article, to those found to be eligible after due examination.
- (c) After giving the accused licensee an opportunity to be heard, the board of examiners shall have the power to suspend or revoke the licenses provided in this article for the following reasons:
 - (1) Carrying a higher steam pressure than authorized by the senior mechanical inspector.
 - (2) Intoxication or the drinking of intoxicating liquors while on duty.
 - (3) Any unauthorized absence from the post of duty.
 - (4) Defacing or obstructing a license certificate.
 - (5) Any negligence, incompetence or incapacity that may endanger life or property.
 - (6) Any violation of this division.

Sec. 26-454. Appeal from action of board of examiners.

- (a) Any person questioning the action of the board of examiners in refusing to grant a license because of failure to pass the prescribed examination or for other cause or who feels aggrieved by an order of revocation or suspension by the board of examiners may, within ten days from the board action complained of, appeal his or her case to the city council. The council shall then appoint a special board of examiners consisting of three persons holding first class licenses as engineers in the city, which shall review the

action complained of together with other evidence or facts pertaining to the action in question, after which it shall submit a finding of facts to the city council together with a recommendation in the premises.

- (b) After the report and recommendation has been filed, the city council shall either affirm or reverse the action of the board of examiners.
- (c) Compensation for the special board of examiners shall be at the same rate as for the regular board of examiners.

Sec. 26-455. License required.

No person shall operate, control, or assume responsible supervision of any stationary or portable steam engine, any stationary or portable steam boiler or other steam generating apparatus, or any appurtenance thereto, unless and until he or she is properly licensed as provided in this division. No owner, user, or agent of any owner or user of any such engine, boiler or other steam generating apparatus or appurtenance thereto shall cause, permit, or allow such to operate or be operated without first having determined that the person operating and the person in responsible charge thereof are in possession of proper and valid licenses for that purpose.

Sec. 26-456. License application.

- (a) Any person desiring to act as a stationary engineer or fireman shall apply to the board of examiners for a license to do so.
- (b) The application referred to in subsection (a) of this section shall be in writing, on forms furnished for that purpose; shall be accompanied by the required fee; and shall set out the applicant's name, age, place of residence, nationality and present status of citizenship, present place and position of employment and a complete record of his or her experience as an engineer or fireman, all of which information shall be vouched for by two citizens of the city or may be verified under oath by the applicant.

Sec. 26-457. Qualifications of license applicant.

To be eligible for examination in any classification, an applicant for a license, under the provisions of this article, shall be a citizen of the United States or have declared intention to become such, shall be not less than 18 years of age, shall be of temperate habits and not addicted to the use of

drugs or the excessive use of intoxicating liquor, and shall be able to meet the requirements of the particular class of license applied for.

Sec. 26-458. Persons empowered to administer affirmation.

Any member of the board of examiners or the inspectors shall be empowered and qualified to administer any affirmation required by this article.

Sec. 26-459. Classes of licenses.

Licenses required under this article shall be of the following classifications: first class engineer, second class engineer, third class engineer, first class fireman, and second class fireman.

Sec. 26-460. Work authorized by license.

- (a) *Holder of first class license.* A license as first class engineer, unless restricted in any manner by the board of examiners, shall entitle the holder to take charge of any plant referred to in this article.
- (b) *Holder of second class license.* A license as second class engineer, unless restricted in any manner by the board of examiners, shall entitle the holder to take charge of any plant not exceeding 200 plant horsepower or to act as a shift engineer in a first class plant under the supervision of a first class engineer in charge.
- (c) *Holder of third class license.* A license as third class engineer, unless restricted in any manner by the board of examiners, shall entitle the holder to take charge of and operate any plant not exceeding 125 plant horsepower, except plants in which steam engines are operated, or to act as a shift fireman under the immediate supervision of a shift engineer holding first or second class license.
- (d) *Holder of first class fireman's license.* A license as a first class fireman, unless restricted in any manner by the board of examiners, shall entitle the holder to take charge of and operate any low pressure heating plant of not more than 75 plant horsepower, unless a qualified engineer is in charge and on duty.
- (e) *Holder of second class fireman's license.* A license as a second class fireman, unless restricted in any manner by the board of examiners, shall be limited to low pressure heating plants of not more than 50 plant horsepower.

Sec. 26-461. Limited or restricted licenses.

If, after examination, the board of examiners finds that an applicant is qualified to operate a type of plant or a specific plant within the general classifications, set out in section 26-459, but is not qualified to hold an unrestricted license in any of such classifications, the board may issue a limited license within any of these classifications, upon which the restriction shall be noted.

Sec. 26-462. Experience of license applicant.

No person shall be granted a license required by this article until he or she furnishes the board of examiners with the following satisfactory proof:

- (1) For a first class engineer, that he or she has had five years' experience in steam engineering or refrigeration plants and has had experience in the operation of heating ventilation and electric apparatus.
- (2) For a second class engineer, that he or she has had three years' experience in steam engineering and knowledge of refrigeration, heating, ventilation and electric apparatus.
- (3) For third class engineer, that he or she has had two years' experience in steam engineering as fireman or helper around a boiler plant.
- (4) For a first class fireman's license, that he or she has had two years' experience as fireman or helper around a boiler plant.
- (5) For a second class fireman's license, that he or she has had one year's experience as fireman's helper around a boiler plant.

Sec. 26-463. Examinations.

- (a) Notice shall be given to applicants of the time and place of the examination required by this article at least three days prior thereto.
- (b) Examinations shall be designed to test fairly the applicant's knowledge of engineering matters and to determine his or her competence and fitness to hold the grade of license applied for.

- (c) All examinations shall be in writing or oral, by the question and answer method, and shall be graded on a percentage basis.
- (d) If, after examination, it shall appear to the board of examiners that the applicant is not qualified to serve in the classification for which he or she has taken the examination, the board shall refuse to issue the applicant a license in that classification.

Sec. 26-464. Display of license and certificate of boiler inspection.

- (a) Each engineer and fireman licensed under this division shall at all times keep his or her license posted under glass in a conspicuous place at the plant in which he or she is employed. He or she shall report at once to the mechanical division any change in his or her employment or in his or her place of residence.
- (b) The owner, agent or lessee shall post the current certificate of inspection of the boiler in a conspicuous place near the boiler.

Sec. 26-465. License expiration and proration of fees.

All licenses required by this division shall expire on January 1 of each year. Original license fees shall be prorated quarterly to the following January 1. Licenses expiring other than on January 1 shall be prorated on the quarterly basis to the following January 1, at which time they shall be renewed on the annual basis. Any license not renewed within 30 days from the date of expiration shall be considered void, and its holder shall be required to pass another examination to operate within the city.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

David L. Phillips, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Jody Witmer, Chief Deputy City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 05-1305), passed by the City Council of said City at a meeting held May 23, 2005 signed by the Mayor on May 23, 2005 and a summary was published as provided by law in the Business Record on June 13, 2005 Authorized by Publication Order No.4805.

Jody Witmer, Chief Deputy City Clerk